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*Status: Point in time view as at 18/09/2012.*

**Changes to legislation:** *Mental Capacity Act 2005, Paragraph 19 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Matrimonial Causes Act 1973 (c. 18)*

- 19 In section 40 of the Matrimonial Causes Act 1973 (c. 18) (payments to person who lacks capacity) (which becomes subsection (1))—
- (a) for the words from “is incapable” to “affairs” substitute “ (“P”) lacks capacity (within the meaning of the Mental Capacity Act 2005) in relation to the provisions of the order ”,
  - (b) for “that person under Part VIII of that Act” substitute “ P under that Act ”,
  - (c) for the words from “such persons” to the end substitute “ such person (“D”) as it may direct ”, and
  - (d) at the end insert—
    - “(2) In carrying out any functions of his in relation to an order made under subsection (1), D must act in P's best interests (within the meaning of that Act).”.

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