
Status: Point in time view as at 01/04/2018.

Changes to legislation: Mental Capacity Act 2005, Paragraph 5 is up to date with all changes known to be in force on or before 09 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)

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

Administration of Estates Act 1925 (c. 23)

- 5 (1) The Administration of Estates Act 1925 (c. 23) is amended as follows.
- (2) In section 41(1) (powers of personal representatives to appropriate), in the proviso—
- (a) in paragraph (ii)—
 - (i) for the words from “is incapable” to “the consent” substitute “ lacks capacity (within the meaning of the Mental Capacity Act 2005) to give the consent, it ”, and
 - (ii) for “or receiver” substitute “ or a person appointed as deputy for him by the Court of Protection ”, and
 - (b) in paragraph (iv), for “no receiver is acting for a person suffering from mental disorder” substitute “ no deputy is appointed for a person who lacks capacity to consent ”.
- (3) Omit section 55(1)(viii) (definitions of “person of unsound mind” and “defective”).

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