



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Independent mental capacity advocate service

41 Power to adjust role of independent mental capacity advocate

- (1) The appropriate authority may make regulations—
 - (a) expanding the role of independent mental capacity advocates in relation to persons who lack capacity, and
 - (b) adjusting the obligation to make arrangements imposed by section 35.
- (2) The regulations may, in particular—
 - (a) prescribe circumstances (different to those set out in sections 37, 38 and 39) in which an independent mental capacity advocate must, or circumstances in which one may, be instructed by a person of a prescribed description to represent a person who lacks capacity, and
 - (b) include provision similar to any made by section 37, 38, 39 or 40.
- (3) “Appropriate authority” has the same meaning as in section 35.

Commencement Information

- II** S. 41 wholly in force at 1.10.2007; s. 41 not in force at Royal Assent see s. 68(1)-(3); s. 41 in force for E. at 1.11.2006 for certain purposes and otherwise 1.4.2007 by [S.I. 2006/2814](#), [art. 5](#); s. 41 in force at 1.10.2007 for W. by [S.I. 2007/856](#), [art. 5](#)

Status:

Point in time view as at 01/04/2008.

Changes to legislation:

Mental Capacity Act 2005, Section 41 is up to date with all changes known to be in force on or before 13 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.