

Status: Point in time view as at 01/04/2008.

Changes to legislation: Mental Capacity Act 2005, Part 1 is up to date with all changes known to be in force on or before 26 April 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)

SCHEDULE 3

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INTERNATIONAL PROTECTION OF ADULTS

PART 1

PRELIMINARY

Introduction

1 This Part applies for the purposes of this Schedule.

The Convention

- 2 (1) “Convention” means the Convention referred to in section 63.
- (2) “Convention country” means a country in which the Convention is in force.
- (3) A reference to an Article or Chapter is to an Article or Chapter of the Convention.
- (4) An expression which appears in this Schedule and in the Convention is to be construed in accordance with the Convention.

Countries, territories and nationals

- 3 (1) “Country” includes a territory which has its own system of law.
- (2) Where a country has more than one territory with its own system of law, a reference to the country, in relation to one of its nationals, is to the territory with which the national has the closer, or the closest, connection.

Adults with incapacity

- 4 “Adult” means a person who—
- (a) as a result of an impairment or insufficiency of his personal faculties, cannot protect his interests, and
- (b) has reached 16.

Protective measures

- 5 (1) “Protective measure” means a measure directed to the protection of the person or property of an adult; and it may deal in particular with any of the following—
- (a) the determination of incapacity and the institution of a protective regime,
- (b) placing the adult under the protection of an appropriate authority,

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- (c) guardianship, curatorship or any corresponding system,
 - (d) the designation and functions of a person having charge of the adult's person or property, or representing or otherwise helping him,
 - (e) placing the adult in a place where protection can be provided,
 - (f) administering, conserving or disposing of the adult's property,
 - (g) authorising a specific intervention for the protection of the person or property of the adult.
- (2) Where a measure of like effect to a protective measure has been taken in relation to a person before he reaches 16, this Schedule applies to the measure in so far as it has effect in relation to him once he has reached 16.

Central Authority

- 6 (1) Any function under the Convention of a Central Authority is exercisable in England and Wales by the Lord Chancellor.
- (2) A communication may be sent to the Central Authority in relation to England and Wales by sending it to the Lord Chancellor.

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