



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *General powers of the court and appointment of deputies*

#### 21 Transfer of proceedings relating to people under 18

[<sup>F1</sup>(1)]<sup>F1</sup> The [<sup>F2</sup>Lord Chief Justice, with the concurrence of the Lord Chancellor,]<sup>F2</sup> may by order make provision as to the transfer of proceedings relating to a person under 18, in such circumstances as are specified in the order—

- (a) from the Court of Protection to a court having jurisdiction under the Children Act 1989 (c. 41), or
- (b) from a court having jurisdiction under that Act to the Court of Protection.

[<sup>F3</sup>(2)]<sup>F3</sup> The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (a) the President of the Court of Protection;
- (b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).]<sup>F3</sup>

#### Textual Amendments

- F1** S. 21 renumbered as s. 21(1) (3.4.2006) by virtue of [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), arts. 1, 2, **Sch. 1 para. 31(2)**
- F2** Words in s. 21(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), arts. 1, 2, **Sch. 1 para. 31(3)**
- F3** S. 21(2) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), arts. 1, 2, **Sch. 1 para. 31(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 21.