



Mental Capacity Act 2005

2005 CHAPTER 9

PART 2

THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

Practice and procedure

50 Applications to the Court of Protection

- (1) No permission is required for an application to the court for the exercise of any of its powers under this Act—
- (a) by a person who lacks, or is alleged to lack, capacity,
 - (b) if such a person has not reached 18, by anyone with parental responsibility for him,
 - (c) by the donor or a donee of a lasting power of attorney to which the application relates,
 - (d) by a deputy appointed by the court for a person to whom the application relates, or
 - (e) by a person named in an existing order of the court, if the application relates to the order.
- (1A) [^{F1}Nor is permission required for an application to the court under section 21ZA by any independent mental capacity advocate or appropriate person representing and supporting the cared-for person (see Part 5 of Schedule AA1).]
- ^{F2}(2) But, subject to Court of Protection Rules and to paragraph 20(2) of Schedule 3 (declarations relating to private international law), permission is required for any other application to the court.
- (3) In deciding whether to grant permission the court must, in particular, have regard to—
- (a) the applicant's connection with the person to whom the application relates,
 - (b) the reasons for the application,

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 50. (See end of Document for details)

- (c) the benefit to the person to whom the application relates of a proposed order or directions, and
 - (d) whether the benefit can be achieved in any other way.
- (4) “Parental responsibility” has the same meaning as in the Children Act 1989 (c. 41).

Textual Amendments

- F1** S. 50(1A) substituted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), s. 6(3), [Sch. 2 para. 10](#)
- F2** S. 50(1A) inserted (1.4.2009) by [Mental Health Act 2007](#) (c. 12), ss. 50, 56, [Sch. 9 para. 9](#); S.I. 2009/139, [art. 2\(e\)](#) (with art. 3)

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