



Mental Capacity Act 2005

2005 CHAPTER 9

PART 2

THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

Court of Protection Visitors

61 Court of Protection Visitors

- (1) A Court of Protection Visitor is a person who is appointed by the Lord Chancellor to—
 - (a) a panel of Special Visitors, or
 - (b) a panel of General Visitors.
- (2) A person is not qualified to be a Special Visitor unless he—
 - (a) is a registered medical practitioner or appears to the Lord Chancellor to have other suitable qualifications or training, and
 - (b) appears to the Lord Chancellor to have special knowledge of and experience in cases of impairment of or disturbance in the functioning of the mind or brain.
- (3) A General Visitor need not have a medical qualification.
- (4) A Court of Protection Visitor—
 - (a) may be appointed for such term and subject to such conditions, and
 - (b) may be paid such remuneration and allowances,as the Lord Chancellor may determine.
- (5) For the purpose of carrying out his functions under this Act in relation to a person who lacks capacity (“P”), a Court of Protection Visitor may, at all reasonable times, examine and take copies of—
 - (a) any health record,
 - (b) any record of, or held by, a local authority and compiled in connection with a social services function, and

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Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 61. (See end of Document for details)

(c) any record held by a person registered under Part 2 of the Care Standards Act 2000 (c. 14) [F1, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016], so far as the record relates to P.

(6) A Court of Protection Visitor may also for that purpose interview P in private.

Textual Amendments

F1 Words in s. 61(5)(c) substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 32

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