



Mental Capacity Act 2005

2005 CHAPTER 9

PART 3

MISCELLANEOUS AND GENERAL

General

65 Rules, regulations and orders

- (1) Any power to make rules, regulations or orders under this Act—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make supplementary, incidental, consequential, transitional or saving provision;
 - (c) includes power to make different provision for different cases.
- (2) Any statutory instrument containing rules, regulations or orders made by the Lord Chancellor or the Secretary of State under this Act, other than—
 - (a) regulations under section 34 (loss of capacity during research project),
 - (b) regulations under section 41 (adjusting role of independent mental capacity advocacy service),
 - (c) regulations under paragraph 32(1)(b) of Schedule 3 (private international law relating to the protection of adults),
 - (d) an order of the kind mentioned in section 67(6) (consequential amendments of primary legislation), or
 - (e) an order under section 68 (commencement),is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing an Order in Council under paragraph 31 of Schedule 3 (provision to give further effect to Hague Convention) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations made by the Secretary of State under section 34 or 41 or by the Lord Chancellor under paragraph 32(1)(b) of Schedule 3

Status: This is the original version (as it was originally enacted).

may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.