

SCHEDULE 1

Transfer, modification and abolition of functions of the Lord Chancellor — primary legislation

Mental Capacity Act 2005

31.—(1) Section 21 is amended in accordance with this paragraph.

(2) That section becomes subsection (1) of section 21.

(3) In that subsection for “Lord Chancellor” substitute “Lord Chief Justice, with the concurrence of the Lord Chancellor.”.

(4) After that subsection insert—

“(2) 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).”.