Enduring Powers of Attorney Act 1985

1985 CHAPTER 29

Supplementary

10 Application of Mental Health Act provisions relating to the court

(1) The provisions of Part VII of the Mental Health Act 1983 (relating to the Court of Protection) specified below shall apply to persons within and proceedings under this Act in accordance with the following paragraphs of this subsection and subsection (2) below, that is to say—

(a) section 103 (functions of Visitors) shall apply to persons within this Act as it applies to the persons mentioned in that section;

(b) section 104 (powers of judge) shall apply to proceedings under this Act with respect to persons within this Act as it applies to the proceedings mentioned in subsection (1) of that section;

(c) section 105(1) (appeals to nominated judge) shall apply to any decision of the Master of the Court of Protection or any nominated officer in proceedings under this Act as it applies to any decision to which that subsection applies and an appeal shall lie to the Court of Appeal from any decision of a nominated judge whether given in the exercise of his original jurisdiction or on the hearing of an appeal under section 105(1) as extended by this paragraph;

(d) section 106 except subsection (4) (rules of procedure) shall apply to proceedings under this Act and persons within tills Act as it applies to the proceedings and persons mentioned in that section.

(2) Any functions conferred or imposed by the provisions of the said Part VII applied by subsection (1) above shall be exercisable also for the purposes of this Act and the persons who are "within this Act" are the donors of and attorneys under enduring powers of attorney whether or not they would be patients for the purposes of the said Part VII.

(3) In this section "nominated judge" and "nominated officer " have the same meanings as in Part VII of the Mental Health Act 1983.