



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

General powers of the court and appointment of deputies

21 Transfer of proceedings relating to people under 18

[^{F1}(1)]^{F1} The [^{F2}Lord Chief Justice, with the concurrence of the Lord Chancellor,]^{F2} may by order make provision as to the transfer of proceedings relating to a person under 18, in such circumstances as are specified in the order—

- (a) from the Court of Protection to a court having jurisdiction under the Children Act 1989 (c. 41), or
- (b) from a court having jurisdiction under that Act to the Court of Protection.

[^{F3}(2)]^{F3} 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).]^{F3}

Textual Amendments

- F1** S. 21 renumbered as s. 21(1) (3.4.2006) by virtue of [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006](#) (S.I. 2006/1016), arts. 1, 2, **Sch. 1 para. 31(2)**
- F2** Words in s. 21(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006](#) (S.I. 2006/1016), arts. 1, 2, **Sch. 1 para. 31(3)**
- F3** S. 21(2) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006](#) (S.I. 2006/1016), arts. 1, 2, **Sch. 1 para. 31(4)**

Changes to legislation:

Mental Capacity Act 2005, Section 21 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(4)(ca) inserted by [2023 c. 42 Sch. para. 10](#)
- Sch. 1 para. 4A inserted by [2023 c. 42 Sch. para. 3](#)
- Sch. 1 para. 10A and cross-heading inserted by [2023 c. 42 Sch. para. 6](#)
- Sch. 1 para. 13A inserted by [2023 c. 42 Sch. para. 7\(2\)](#)
- Sch. 1 para. 16(1A) inserted by [2023 c. 42 Sch. para. 8\(b\)](#)