



2016 CHAPTER 18

PART 4

INDEPENDENT MENTAL CAPACITY ADVOCATES

Independent mental capacity advocates

Functions of independent mental capacity advocates: provision of support, etc

87.—(1) The Department may make regulations about the functions of independent mental capacity advocates.

(2) The regulations may in particular require prescribed steps to be taken by an independent mental capacity advocate who has been instructed under section 91 to represent and provide support to a person (“P”) in the determination of whether a particular act in relation to which P lacks capacity would be in P’s best interests.

(3) The steps that may be prescribed under subsection (2) include steps for the purpose of—

- (a) providing support to P so that P may participate as fully as possible in any relevant decision;
- (b) obtaining and evaluating relevant information;
- (c) ascertaining P’s past and present wishes and feelings, and the beliefs and values that would be likely to influence P’s decision if P had capacity;
- (d) ascertaining what alternative courses of action are available in relation to P;

- (e) informing persons responsible for determining what would be in P's best interests of the independent mental capacity advocate's conclusions;
 - (f) informing P's nominated person (if any) of matters relevant to the nominated person.
- (4) The regulations may also make provision as to circumstances in which an independent mental capacity advocate may challenge, or provide assistance for the purposes of challenging, any relevant decision.