



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Independent mental capacity advocate service

41 Power to adjust role of independent mental capacity advocate

- (1) The appropriate authority may make regulations—
 - (a) expanding the role of independent mental capacity advocates in relation to persons who lack capacity, and
 - (b) adjusting the obligation to make arrangements imposed by section 35.
- (2) The regulations may, in particular—
 - (a) prescribe circumstances (different to those set out in sections 37, 38 and 39) in which an independent mental capacity advocate must, or circumstances in which one may, be instructed by a person of a prescribed description to represent a person who lacks capacity, and
 - (b) include provision similar to any made by section 37, 38, 39 or 40.
- (3) “Appropriate authority” has the same meaning as in section 35.