



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 2

#### THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

##### *The Court of Protection*

#### 45 The Court of Protection

- (1) There is to be a superior court of record known as the Court of Protection.
- (2) The court is to have an official seal.
- (3) The court may sit at any place in England and Wales, on any day and at any time.
- (4) The court is to have a central office and registry at a place appointed by the Lord Chancellor [<sup>F1</sup>, after consulting the Lord Chief Justice]<sup>F1</sup>.
- (5) The Lord Chancellor may [<sup>F2</sup>, after consulting the Lord Chief Justice,]<sup>F2</sup> designate as additional registries of the court any district registry of the High Court and any county court office.

[<sup>F3</sup>(5A) 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).]

<sup>F3</sup>(6) The office of the Supreme Court called the Court of Protection ceases to exist.

#### Textual Amendments

- F1** Words in s. 45(4) 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. 32(2)**

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*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 45. (See end of Document for details)*

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| <p><b>F2</b> Words in s. 45(5) 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, <b>Sch. 1 para. 32(3)</b></p> <p><b>F3</b> S. 45(5A) 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, <b>Sch. 1 para. 32(4)</b></p> |
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