



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 2

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

##### *Practice and procedure*

#### **50 Applications to the Court of Protection**

- (1) No permission is required for an application to the court for the exercise of any of its powers under this Act—
- (a) by a person who lacks, or is alleged to lack, capacity,
  - (b) if such a person has not reached 18, by anyone with parental responsibility for him,
  - (c) by the donor or a donee of a lasting power of attorney to which the application relates,
  - (d) by a deputy appointed by the court for a person to whom the application relates, or
  - (e) by a person named in an existing order of the court, if the application relates to the order.
- (1A) [<sup>F1</sup>Nor is permission required for an application to the court under section 21ZA by any independent mental capacity advocate or appropriate person representing and supporting the cared-for person (see Part 5 of Schedule AA1).]
- <sup>F2</sup>(2) But, subject to Court of Protection Rules and to paragraph 20(2) of Schedule 3 (declarations relating to private international law), permission is required for any other application to the court.
- (3) In deciding whether to grant permission the court must, in particular, have regard to—
- (a) the applicant's connection with the person to whom the application relates,
  - (b) the reasons for the application,

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*Status: Point in time view as at 16/05/2019.*

*Changes to legislation: Mental Capacity Act 2005, Section 50 is up to date with all changes known to be in force on or before 05 April 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. (See end of Document for details)*

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- (c) the benefit to the person to whom the application relates of a proposed order or directions, and
  - (d) whether the benefit can be achieved in any other way.
- (4) “Parental responsibility” has the same meaning as in the Children Act 1989 (c. 41).

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**Textual Amendments**

- F1** S. 50(1A) substituted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), s. 6(3), [Sch. 2 para. 10](#)
- F2** S. 50(1A) inserted (1.4.2009) by [Mental Health Act 2007](#) (c. 12), ss. 50, 56, [Sch. 9 para. 9](#); S.I. 2009/139, [art. 2\(e\)](#) (with art. 3)

**Status:**

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