



2016 CHAPTER 18

PART 4

INDEPENDENT MENTAL CAPACITY ADVOCATES

Power to adjust role of independent mental capacity advocates

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96.—(1) The Department may by regulations—

- (a) expand the role of independent mental capacity advocates in relation to persons who are 16 or over and lack capacity;
- (b) adjust the obligation to make arrangements imposed by section 86.

(2) The regulations may in particular—

- (a) prescribe circumstances in which an independent mental capacity advocate must be instructed by a person of a prescribed description to represent and provide support to a person who lacks capacity;
- (b) prescribe circumstances in which an independent mental capacity advocate may be so instructed;
- (c) contain provision about the making of requests for independent mental capacity advocates to be instructed in prescribed circumstances;
- (d) contain provision about the functions of independent mental capacity advocates instructed in prescribed circumstances.

(3) The regulations may make provision in any way that the Department considers appropriate and may in particular—

- (a) apply, or make provision corresponding to, any provision within subsection (4) (with or without modifications);

- (b) amend any provision of this Part.
- (4) The provisions are—
 - (a) any provision of this Part;
 - (b) any provision of regulations made under this Part;
 - (c) any provision that could be made by regulations under this Part.