



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Excluded decisions

27 Family relationships etc.

- (1) Nothing in this Act permits a decision on any of the following matters to be made on behalf of a person—
- (a) consenting to marriage or a civil partnership,
 - (b) consenting to have sexual relations,
 - (c) consenting to a decree of divorce being granted on the basis of two years' separation,
 - (d) consenting to a dissolution order being made in relation to a civil partnership on the basis of two years' separation,
 - (e) consenting to a child's being placed for adoption by an adoption agency,
 - (f) consenting to the making of an adoption order,
 - (g) discharging parental responsibilities in matters not relating to a child's property,
 - (h) giving a consent under the Human Fertilisation and Embryology Act 1990 (c. 37).
- (2) "Adoption order" means—
- (a) an adoption order within the meaning of the Adoption and Children Act 2002 (c. 38) (including a future adoption order), and
 - (b) an order under section 84 of that Act (parental responsibility prior to adoption abroad).

28 Mental Health Act matters

- (1) Nothing in this Act authorises anyone—
 - (a) to give a patient medical treatment for mental disorder, or
 - (b) to consent to a patient’s being given medical treatment for mental disorder,if, at the time when it is proposed to treat the patient, his treatment is regulated by Part 4 of the Mental Health Act.
- (2) “Medical treatment”, “mental disorder” and “patient” have the same meaning as in that Act.

29 Voting rights

- (1) Nothing in this Act permits a decision on voting at an election for any public office, or at a referendum, to be made on behalf of a person.
- (2) “Referendum” has the same meaning as in section 101 of the Political Parties, Elections and Referendums Act 2000 (c. 41).