



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 2

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

##### *Court of Protection Visitors*

#### **61 Court of Protection Visitors**

- (1) A Court of Protection Visitor is a person who is appointed by the Lord Chancellor to—
  - (a) a panel of Special Visitors, or
  - (b) a panel of General Visitors.
- (2) A person is not qualified to be a Special Visitor unless he—
  - (a) is a registered medical practitioner or appears to the Lord Chancellor to have other suitable qualifications or training, and
  - (b) appears to the Lord Chancellor to have special knowledge of and experience in cases of impairment of or disturbance in the functioning of the mind or brain.
- (3) A General Visitor need not have a medical qualification.
- (4) A Court of Protection Visitor—
  - (a) may be appointed for such term and subject to such conditions, and
  - (b) may be paid such remuneration and allowances,as the Lord Chancellor may determine.
- (5) For the purpose of carrying out his functions under this Act in relation to a person who lacks capacity (“P”), a Court of Protection Visitor may, at all reasonable times, examine and take copies of—
  - (a) any health record,
  - (b) any record of, or held by, a local authority and compiled in connection with a social services function, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) any record held by a person registered under Part 2 of the Care Standards Act 2000 (c. 14),  
so far as the record relates to P.
- (6) A Court of Protection Visitor may also for that purpose interview P in private.