



# 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.
- (5) The Lord Chancellor may designate as additional registries of the court any district registry of the High Court and any county court office.
- (6) The office of the Supreme Court called the Court of Protection ceases to exist.

#### **46 The judges of the Court of Protection**

- (1) Subject to Court of Protection Rules under section 51(2)(d), the jurisdiction of the court is exercisable by a judge nominated for that purpose by—
  - (a) the Lord Chancellor, or
  - (b) a person acting on the Lord Chancellor's behalf.
- (2) To be nominated, a judge must be—
  - (a) the President of the Family Division,
  - (b) the Vice-Chancellor,
  - (c) a puisne judge of the High Court,

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*Status: This is the original version (as it was originally enacted).*

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- (d) a circuit judge, or
  - (e) a district judge.
- (3) The Lord Chancellor must—
- (a) appoint one of the judges nominated by virtue of subsection (2)(a) to (c) to be President of the Court of Protection, and
  - (b) appoint another of those judges to be Vice-President of the Court of Protection.
- (4) The Lord Chancellor must appoint one of the judges nominated by virtue of subsection (2)(d) or (e) to be Senior Judge of the Court of Protection, having such administrative functions in relation to the court as the Lord Chancellor may direct.