Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

The principles

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(1) The following principles apply for the purposes of this Act.

(2) A person must be assumed to have capacity unless it is established that he lacks capacity.

(3) A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.

(4) A person is not to be treated as unable to make a decision merely because he makes an unwise decision.

(5) An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.

(6) Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Annotations:

Commencement Information

11 S. 1 wholly in force at 1.10.2007; s. 1 not in force at Royal Assent see s. 68(1)-(3); s. 1 in force for certain purposes at 1.4.2007 by S.I. 2007/563, arts. 1(2)(3), 2(2)(a)(3) and s. 1 in force otherwise at 1.10.2007 by S.I. 2007/1897, art. 2(2)(a)
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Mental Capacity Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 4C inserted by 2019 c. 18 s. 1(3)
- s. 21ZA and cross-heading inserted by 2019 c. 18 s. 3
- s. 36(2)(da) inserted by 2019 c. 18 Sch. 2 para. 4(4)
- s. 42(1A) inserted by 2019 c. 18 s. 4(2)
- s. 42(2A)(2B) inserted by 2019 c. 18 s. 4(3)
- s. 65(2A) inserted by 2019 c. 18 Sch. 2 para. 12(2)
- Sch. AA1 inserted by 2019 c. 18 Sch. 1