



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *Independent mental capacity advocate service*

#### **40 Exceptions**

Sections 37(3), 38(3) and (4) and 39(4) and (5) do not apply if there is—

- (a) a person nominated by P (in whatever manner) as a person to be consulted in matters affecting his interests,
- (b) a donee of a lasting power of attorney created by P,
- (c) a deputy appointed by the court for P, or
- (d) a donee of an enduring power of attorney (within the meaning of Schedule 4) created by P.