



# 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*Status: Point in time view as at 02/12/2019.*

*Changes to legislation: Mental Capacity Act 2005, Section 61 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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(c) any record held by a person registered under Part 2 of the Care Standards Act 2000 (c. 14) [F1, Chapter 2 of Part 1 of the Health and Social Care Act 2008 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016], so far as the record relates to P.

(6) A Court of Protection Visitor may also for that purpose interview P in private.

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**Textual Amendments**

**F1** Words in s. 61(5)(c) substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 32

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