



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 3

#### MISCELLANEOUS AND GENERAL

##### *General*

#### 64 Interpretation

(1) In this Act—

“the 1985 Act” means the Enduring Powers of Attorney Act 1985 (c. 29),

“advance decision” has the meaning given in section 24(1),

“the court” means the Court of Protection established by section 45,

“Court of Protection Rules” has the meaning given in section 51(1),

“Court of Protection Visitor” has the meaning given in section 61,

“deputy” has the meaning given in section 16(2)(b),

“enactment” includes a provision of subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)),

“health record” has the meaning given in section 68 of the Data Protection Act 1998 (c. 29) (as read with section 69 of that Act),

“the Human Rights Convention” has the same meaning as “the Convention” in the Human Rights Act 1998 (c. 42),

“independent mental capacity advocate” has the meaning given in section 35(1),

“lasting power of attorney” has the meaning given in section 9,

“life-sustaining treatment” has the meaning given in section 4(10),

“local authority” means—

- (a) the council of a county in England in which there are no district councils,
- (b) the council of a district in England,
- (c) the council of a county or county borough in Wales,
- (d) the council of a London borough,

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*Status: This is the original version (as it was originally enacted).*

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- (e) the Common Council of the City of London, or
  - (f) the Council of the Isles of Scilly,
    - “Mental Health Act” means the Mental Health Act 1983 (c. 20),
    - “prescribed”, in relation to regulations made under this Act, means prescribed by those regulations,
    - “property” includes any thing in action and any interest in real or personal property,
    - “public authority” has the same meaning as in the Human Rights Act 1998,
    - “Public Guardian” has the meaning given in section 57,
    - “purchaser” and “purchase” have the meaning given in section 205(1) of the Law of Property Act 1925 (c. 20),
    - “social services function” has the meaning given in section 1A of the Local Authority Social Services Act 1970 (c. 42),
    - “treatment” includes a diagnostic or other procedure,
    - “trust corporation” has the meaning given in section 68(1) of the Trustee Act 1925 (c. 19), and
    - “will” includes codicil.
- (2) In this Act, references to making decisions, in relation to a donee of a lasting power of attorney or a deputy appointed by the court, include, where appropriate, acting on decisions made.
- (3) In this Act, references to the bankruptcy of an individual include a case where a bankruptcy restrictions order under the Insolvency Act 1986 (c. 45) has effect in respect of him.
- (4) “Bankruptcy restrictions order” includes an interim bankruptcy restrictions order.