

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: Health and Social Care Act 2012, Paragraph 134 is up to date with all changes known to be in force on or before 29 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)*

## SCHEDULES

### SCHEDULE 5

#### PART 1: AMENDMENTS OF OTHER ENACTMENTS

##### *Mental Capacity Act 2005 (c. 9)*

- 134 In section 35 (appointment of independent mental capacity advocates)—
- (a) in subsection (1), for “appropriate authority” substitute “responsible authority”,
  - (b) in subsection (4), for “appropriate authority” substitute “responsible authority”, and
  - (c) after subsection (6) insert—
    - “(6A) In subsections (1) and (4), “the responsible authority” means—
      - (a) in relation to the provision of the services of independent mental capacity advocates in the area of a local authority in England, that local authority, and
      - (b) in relation to the provision of the services of independent mental capacity advocates in Wales, the Welsh Ministers.
    - (6B) In subsection (6A)(a), “local authority” has the meaning given in section 64(1) except that it does not include the council of a county or county borough in Wales.”

#### **Commencement Information**

**II** Sch. 5 para. 134 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

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