

SCHEDULE 1

Transfer, modification and abolition of functions of the Lord Chancellor — primary legislation

Mental Capacity Act 2005

32.—(1) Section 45 is amended in accordance with this paragraph.

(2) In subsection (4) after “Lord Chancellor” insert “, after consulting the Lord Chief Justice”.

(3) In subsection (5) after “may” insert “, after consulting the Lord Chief Justice,”.

(4) After subsection (5) insert—

“(5A) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(a) the President of the Court of Protection;

(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).”.