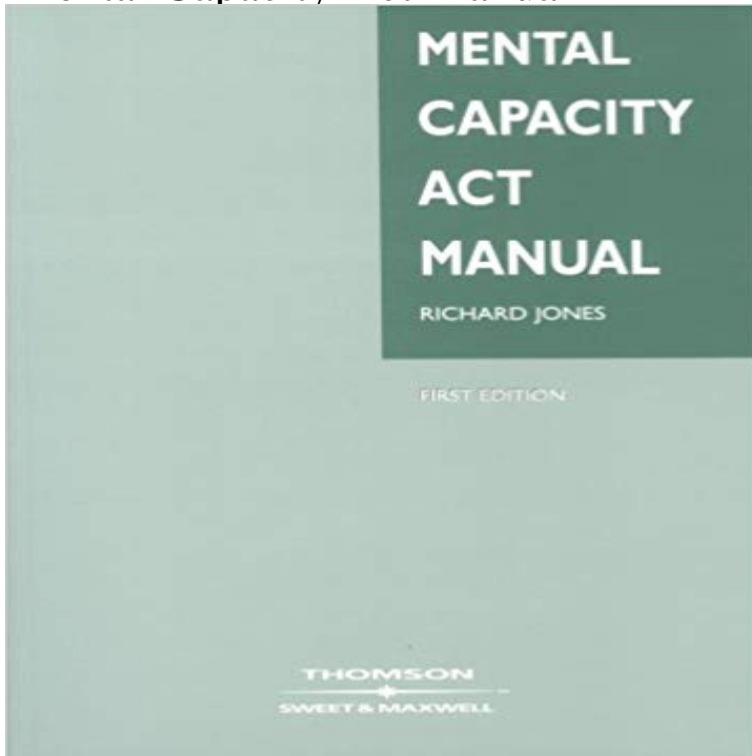


Mental Capacity Act Manual



The Mental Capacity Act 2005 has introduced new decision-making mechanisms which will allow financial, welfare and healthcare decisions to be taken on behalf of persons lacking the mental capacity to make such decisions. The new Mental Capacity Act Manual includes the Act in full with detailed annotations explaining what the provisions mean in practice. The book deals with the existing common law principles relating to incapacity and shows you how the Act builds on these. This essential new work will help you to understand the implications of the Act and how to ensure best practice. This book shows how the Mental Capacity Act 2005 interacts with the Mental Health Act and clarifies where each act applies. It covers mental capacity in both clinical and care scenarios, and sets out the obligations of carers under the Act and in particular the obligations to assess capacity. It also clarifies the new legal test which must be used to establish capacity. It sets out the powers under the Act of carers to restrain persons without capacity, and explains the responsibility of the new Court of Protection and its role in dealing with care and treatment disputes. It clarifies the new powers of deputies and their expanded role under the Act. It also goes through what defences may be available for breach of the Act. This book explains the scope of the new lasting powers of attorney and how it extends enduring powers of attorney to welfare and healthcare decisions. It considers the new provisions relating to research involving the mentally incapacitated. It reproduces the Convention on Human Rights and Biomedicine. It also covers the role of the new Independent Mental Capacity Advocate.

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