

Latest news

Mental Capacity Act commencement

Today (Monday 18th December 2006) Baroness Ashton the Parliamentary Under Secretary of State at the Department for Constitutional Affairs has announced the timetable for the commencement of the Mental Capacity Act 2005. Her announcement covered the provisions which are to be commenced on an England and Wales basis, but as far as IMCA and research are concerned her announcement only covers England as those provisions are for the Assembly to commence in Wales.

Summary of her announcement:

1 APRIL 2007

IMCA service (England only)

Code of Practice (s42)

Criminal offence of ill treatment or wilful neglect (England and Wales)

To do this the following will be commenced:

Sections 1 - 4 of the Act - only in relation to IMCAs

Sections 35 - 41 of the Act - only in relation to IMCAs

Section 64 of the Act (Interpretation) - only in relation to IMCAs Section 42 of the Act - in England and Wales - which brings in the Code of Practice*

Commencement of the criminal offence and advising this to the Crown Prosecution Service

1 OCTOBER 2007

Commence all other aspects including Research, Court of Protection, Court Rules and Office of the Public Guardian.

The Assembly Health and Social Services Minister is currently considering the implications on its own implementation programme of this decision by the Department for Constitutional Affairs. An announcement will be made as soon as possible.