

**Mental Capacity Act  
(CHAPTER 177A)**

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## **MENTAL CAPACITY ACT**

### **(CHAPTER 177A)**

**(Original Enactment: Act 22 of 2008)**

**REVISED EDITION 2010**

**(31st March 2010)**

An Act to make new provision relating to persons who lack capacity and to provide for matters connected therewith.

**[1st March 2010]**

## **PART I**

### **PRELIMINARY**

## **Short title**

1. This Act may be cited as the Mental Capacity Act.

## **Interpretation**

- 2.—(1) In this Act, unless the context otherwise requires —

“clinical trial” means a clinical trial within the meaning of the Medicines Act (Cap. 176) or the Health Products Act (Cap. 122D);

“court” means the High Court;

“deputy” has the meaning given to it in section 20(2)(b);

“donee” has the meaning given to it in section 11(1);

“lasting power of attorney” has the meaning given to it in section 11;

“life-sustaining treatment”, in relation to a person, means treatment which, in the view of another person providing health care for that person, is necessary to sustain life;

“property” includes any thing in action and any interest in real or personal property;

“Public Guardian” has the meaning given to it in section 30;

“registered medical practitioner” means any person who is registered as a medical practitioner under the Medical Registration Act (Cap. 174);

“treatment” includes a diagnostic or other procedure;

“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.

## **PART II**

### **PERSONS WHO LACK CAPACITY**

## **The principles**

- 3.—(1) The following principles apply for the purposes of this Act.

- (2) A person must be assumed to have capacity unless it is established that he lacks