

Comparison Table for the First 11 Sections of the MCA2005

Heading	MCA2005	SinMCA2010	Comments
The principles	Section 1	Section 3	The principles set out the spirit and the purpose of the Act and it is significant that SinMCA2010 adopted the principles without amendments
People who lack capacity	Sections 2(1) – 2(5)	Sections 4(1) - 4(5)	The SinMCA2010 changes 'People' to 'Persons' in the heading.
Inability to Make Decisions	Section 3	Section 5	It is significant as it means that the determination of a person's capacity is likely to be the same under MCA2005 and SinMCA2010 as both MCAs uses the same framework and tests to assess a person's capacity
*Best Interest	Section 4	Section 6	The first key difference between the SinMCA2010 and MCA2005 can be found in Section 6(6), SinMCA2010 which emphasizes on the need to have the person's property preserved towards the costs of his maintenance during his life. SinMCA2010 also does not adopt Section 4(10) definition of 'life-sustaining treatment'.
Acts in connection with care or treatment	Sections 5(1) to 5(3)	Sections 7(1) to 7(3)(a)	SinMCA2010 excludes this section from 'affecting the operation of Singapore's 'Advance Medical Directive Act' or applying 'to the conduct of a clinical trial'.
Section 5/7 acts: limitation	Sections 5(1) to (4) & (6)	Sections 8(1) to (5)	Section 5(5) is not applicable to SinMCA2010. SinMCA2010 also leaves out Section 5(7) which is to be consistent to Sections 62(1)(a) & (b) of England & Wales's Mental Health Act 1983.
Payment for necessary goods and services	Section 7	Section 9	-
Expenditure	Section 8	Section 10	-
Lasting powers of attorney	Section 9	Section 11	Section 11 SinMCA2010 is largely the same as Section 9 MCA2005 saved for a few amendments for consistency with other Singapore Statutes (e.g. age of majority is 21 in Singapore)
Appointment of donees	Section 10	Sections 12(1) to 12(8)	The slight differences are that Section 10(1)(b) MCA 2005 refers to 'an individual or a trust corporation' while Section 12(1)(b) refer to 'an individual' or 'a person...who is within a class of persons...eligible to be appointed as a donee'
Lasting powers of attorney: restrictions	Section 11(1) – (5), (7) & (8)	Sections 13(1) – (5), (6) & (8)	Section 13 SinMCA2010 is a good example where Singapore had amended the Section in accordance to local Singaporean circumstances. E.g. Section 13(9) which provides for restrictions over decisions made on P's behalf under the Insurance Act and Central Provident Fund Act.

			Section 13(10) is an additional restriction for a person dealing with a donee, in matters relating to P's property, to have the discretion to require the donee to produce a certificate from a registered medical practitioner stating that P's lack of capacity is likely to be permanent and to refuse to accept the donee's authority to make decisions if no certificate is produced.
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