



2016 CHAPTER 18

PART 15

SUPPLEMENTARY

*Codes of practice*

**Effect of code**

**289.**—(1) A person acting in any of the ways mentioned in subsection (2) in relation to a person who is 16 or over and lacks capacity must have regard to any relevant code of practice.

(2) The ways of acting are—

- (a) in a professional capacity;
- (b) for remuneration;
- (c) as an independent mental capacity advocate;
- (d) as an attorney under a lasting power of attorney or an enduring power of attorney;
- (e) as a deputy appointed by the court;
- (f) as a person carrying out research in reliance on any provision made by or under this Act (see Part 8).

(3) If it appears to a court or tribunal conducting any criminal or civil proceedings that—

- (a) a provision of a code of practice, or
- (b) a failure to comply with a code of practice,

is relevant to a question arising in the proceedings, the provision or failure must be taken into account in deciding the question.

(4) In this section “code of practice” means a code of practice under section 288.