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**Changes to legislation:** *Mental Capacity Act 2005, Paragraph 37 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Social Security Administration Act 1992 (c. 5)*

- 37 In section 123 of the Social Security Administration Act 1992 (c. 5) (unauthorised disclosure of information)—
- (a) in subsection (10), omit—
    - (i) in paragraph (b), “a receiver appointed under section 99 of the Mental Health Act 1983 or”,
    - (ii) in paragraph (d)(i), “sub-paragraph (a) of rule 41(1) of the Court of Protection Rules 1984 or”,
    - (iii) in paragraph (d)(ii), “a receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1) or”, and
    - (iv) “receiver,”, and
  - (b) after that subsection, insert—

“(11) Where the person to whom the information relates lacks capacity (within the meaning of the Mental Capacity Act 2005) to consent to its disclosure, the appropriate person is—

    - (a) a donee of an enduring power of attorney or lasting power of attorney (within the meaning of that Act), or
    - (b) a deputy appointed for him, or any other person authorised, by the Court of Protection,

with power in that respect.”.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(4)(ca) inserted by [2023 c. 42 Sch. para. 10](#)
- Sch. 1 para. 4A inserted by [2023 c. 42 Sch. para. 3](#)
- Sch. 1 para. 10A and cross-heading inserted by [2023 c. 42 Sch. para. 6](#)
- Sch. 1 para. 13A inserted by [2023 c. 42 Sch. para. 7\(2\)](#)
- Sch. 1 para. 16(1A) inserted by [2023 c. 42 Sch. para. 8\(b\)](#)