

*These notes refer to the Mental Capacity Act (Northern Ireland)
2016 (c.18) which received Royal Assent on 9 May 2016*

Mental Capacity Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 – Nominated Person

Section 77 – Declaration that particular person not to be nominated person

This section sets out the procedure to be followed where a person aged 16 or over wishes to make a declaration that a particular person(s) shall not be his or her nominated person under the Act and has capacity to do so. For the declaration to be valid it must be in writing and meet the conditions set out in section 79.

Where a declaration has been made the person(s) specified must be disregarded for the purposes of ascertaining the default nominated person and may not be appointed by the Tribunal (under section 81) unless there has been a change of circumstances in which the Tribunal's opinion justifies appointing that person.

Such a declaration will continue to have effect even if the person who made it loses capacity to make decisions about his or her declaration. The declaration can be revoked at any time by the person who made it provided he or she has capacity to do so. For the revocation to be valid, it must be in writing and meet the conditions set out in section 79.