



## 2016 CHAPTER 18

### **PART 3** **N.I.**

#### NOMINATED PERSON

##### *Formalities*

#### **Formalities for documents under Part 3** **N.I.**

**79.**—(1) This section applies in relation to—

- (a) the appointment of a nominated person under section 70;
- (b) the revocation of an appointment under section 71(1);
- (c) the making of a declaration under section 77(1);
- (d) the revocation of a declaration under section 77(5).

(2) For the purposes of section 70(2), 71(2) and 77(6), the conditions of this section are met if—

- (a) the document containing the appointment, revocation or declaration is signed by the person making the appointment, revocation or declaration (“X”);
- (b) X's signature is witnessed by a person of a prescribed description; and
- (c) the person witnessing the signature certifies that, in his or her opinion, X—
  - (i) understands the effect of the appointment, revocation or declaration; and
  - (ii) has not been subjected to any undue pressure in relation to the appointment, revocation or declaration.

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**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 79 is up to date with all changes known to be in force on or before 17 July 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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(3) In the case of an appointment of a nominated person under section 70, the certificate under subsection (2)(c) must include a statement that, in the opinion of the person witnessing the signature, X understands that the appointment may result in information about X (including sensitive personal information) being disclosed by virtue of this Act to the person appointed.

(4) Regulations may make provision for this section to have effect with prescribed modifications where a person making an appointment, revocation or declaration mentioned in subsection (1) is physically unable to make a signature.

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**Commencement Information**

- II** [S. 79](#) in operation at 2.12.2019 for specified purposes by [S.R. 2019/163](#), [art. 2\(4\)](#), [Sch. Pt. 4](#) (with [art. 3](#)) (as amended by [S.R. 2019/190](#), [art. 2](#))

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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. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)