



2016 CHAPTER 18

PART 3

NOMINATED PERSON

*Formalities*

**Formalities for documents under Part 3**

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.

(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.