

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Power to adjust role of independent mental capacity advocates is up to date with all changes known to be in force on or before 20 March 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*



2016 CHAPTER 18

PART 4

INDEPENDENT MENTAL CAPACITY ADVOCATES

PROSPECTIVE

Power to adjust role of independent mental capacity advocates

Power to adjust role of independent mental capacity advocates

- 96.—**(1) The Department may by regulations—
- (a) expand the role of independent mental capacity advocates in relation to persons who are 16 or over and lack capacity;
 - (b) adjust the obligation to make arrangements imposed by section 86.
- (2) The regulations may in particular—
- (a) prescribe circumstances in which an independent mental capacity advocate must be instructed by a person of a prescribed description to represent and provide support to a person who lacks capacity;
 - (b) prescribe circumstances in which an independent mental capacity advocate may be so instructed;
 - (c) contain provision about the making of requests for independent mental capacity advocates to be instructed in prescribed circumstances;
 - (d) contain provision about the functions of independent mental capacity advocates instructed in prescribed circumstances.

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(3) The regulations may make provision in any way that the Department considers appropriate and may in particular—

- (a) apply, or make provision corresponding to, any provision within subsection (4) (with or without modifications);
- (b) amend any provision of this Part.

(4) The provisions are—

- (a) any provision of this Part;
- (b) any provision of regulations made under this Part;
- (c) any provision that could be made by regulations under this Part.

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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\(b\)](#)