



2016 CHAPTER 18

PART 6

HIGH COURT POWERS: DECISIONS AND DEPUTIES

Decisions and deputies

Reliance on authority of deputy in relation to treatment etc

118.—(1) This section applies if—

- (a) an order has been made under section 113(2)(b) appointing a deputy for a person (“P”);
- (b) another person (“D”) does an act in connection with the care, treatment or personal welfare of P;
- (c) D does the act with the consent of a person (“C”) purporting to be P’s deputy; and
- (d) either C is not P’s deputy, or it is not within the scope of C’s authority to consent in relation to the matter in question.

(2) If—

- (a) before doing the act, D takes reasonable steps to establish whether—
 - (i) C is P’s deputy, and
 - (ii) it is within the scope of C’s authority to consent in relation to the matter in question, and
- (b) when doing the act, D reasonably believes that C is P’s deputy and has authority to consent in relation to the matter,

D does not incur any liability in relation to the act because C was not P's deputy or (as the case may be) did not have such authority.