



## 2016 CHAPTER 18

### PART 3

#### NOMINATED PERSON

##### *Declarations etc*

##### **Declaration that particular person not to be nominated person**

**77.—**(1) A person who is 16 or over and has capacity to do so (“the declarer”) may make a declaration—

- (a) stating that a person specified in the declaration is not to be the declarer’s nominated person;
- (b) specifying two or more persons and stating that neither (or none) of them is to be the declarer’s nominated person;
- (c) stating that no person of a description specified in the declaration is to be the declarer’s nominated person.

(2) Where a declaration has been made under subsection (1) and has not been revoked, any person who is specified, or of a description specified, in the declaration—

- (a) is to be disregarded in determining who is the default nominated person for the declarer under sections 73 to 76; and
- (b) may not be appointed by the Tribunal under section 81 as the declarer’s nominated person (subject to subsection (3)).

(3) Subsection (2)(b) does not apply where there has been a change of circumstances since the declaration was made that, in the Tribunal’s opinion, justifies appointing the person concerned.

(4) A declaration under this section remains effective even where, at a time after making the declaration, the declarer no longer has capacity to make decisions about the declaration.

(5) A declaration under this section may be revoked by the declarer at any time when the declarer has capacity to do so.

(6) A declaration, or revocation of a declaration, under this section is valid only if it is in writing and the conditions of section 79 (formalities) are met.