

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 95 is up to date with all changes known to be in force on or before 21 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

##### *Formalities*

PROSPECTIVE

##### **Formalities for declarations under Part 4**

**95.—**(1) This section applies to the making or revocation of a declaration under section 90 or 93.

(2) For the purposes of section 90(3) or 93(4), the conditions of this section are met if—

- (a) the document containing the declaration or revocation is signed by the person making the declaration or revocation (“P”);
- (b) P'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, P—
  - (i) understands the effect of the declaration or revocation; and
  - (ii) has not been subjected to any undue pressure in relation to the declaration or revocation.

(3) Regulations may make provision for subsection (2) to have effect with prescribed modifications where the person making or revoking the declaration is physically unable to make a signature.

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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\(b\)](#)