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STATUTORY INSTRUMENTS

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**2005 No. 2901**

The Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations 2005

PART 2

JUSTIFICATION

**Circumstances in which mental incapacity justification does not apply**

**3.** The conditions specified in sections 20(4)(b) and 21D(4)(b) of the 1995 Act shall not apply where another person is acting for a disabled person by virtue of—

- (a) a power of attorney; or
- (b) functions conferred by or under Part 7 of the Mental Health Act 1983<sup>(1)</sup>; or
- (c) powers exercisable in relation to the disabled person's property or affairs in consequence of the appointment, under the law of Scotland, of a guardian, tutor or judicial factor.

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<sup>(1)</sup> 1983 c. 20. Part 7 is repealed by section 66 and Schedule 7 of the Mental Capacity Act 2005 (c. 9) which are not yet in force.