



2016 CHAPTER 18

PART 3

NOMINATED PERSON

Appointment by person of his or her nominated person

Appointment of nominated person

70.—(1) A person who is 16 or over (“the appointer”) may, at any time when he or she has capacity to do so, appoint one person who is 16 or over to be the appointer’s nominated person.

(2) An appointment under this section is valid only if—

- (a) the appointment is in writing and the conditions of section 79 (formalities) are met; and
- (b) the person appointed consents in writing to being the appointer’s nominated person.

(3) That consent may be given—

- (a) before section 79 is complied with (in which case the appointment takes effect when that section is complied with); or
- (b) at the same time as, or after, that section is complied with (in which case the appointment takes effect when the consent is given).

(4) An appointment under this section remains effective even where, at a time after the appointment, the appointer no longer has capacity to make decisions about his or her nominated person.

Revocation of appointment

71.—(1) An appointment may, where the appointer has capacity to revoke it, be revoked by the appointer.

(2) A revocation under subsection (1) is valid only if the revocation is in writing and the conditions of section 79 (formalities) are met.

(3) An appointment made by a person revokes any previous appointment made by that person.

(4) In this section “appointment” means an appointment under section 70.

Resignation

72. A person appointed under section 70 may resign as the appointer’s nominated person by giving notice in writing to that effect to the appointer.