

*These notes refer to the Mental Capacity Act (Northern Ireland)  
2016 (c.18) which received Royal Assent on 9 May 2016*

# Mental Capacity Act (Northern Ireland) 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6 – High Court Powers: Decisions and Deputies**

##### *Section 118 – Reliance on authority of deputy in relation to treatment etc*

This section provides protection from liability for a person where he or she does an act in connection with P’s care, treatment or personal welfare with the consent of a person purporting to be P’s deputy (“C”) and C is, in fact, either not P’s deputy or the giving of consent to the matter in question is not within the scope of C’s authority.

In those circumstances, the person will not be liable if, before doing the act, he or she had taken reasonable steps to establish whether C was P’s deputy and it was within the scope of C’s authority to consent to the matter in question and the person reasonably believed, when doing the act, that C was P’s deputy and had authority to consent.