



## 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.

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**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Appointment by person of his or her nominated person is up to date with all changes known to be in force on or before 25 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*

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#### Commencement Information

- I1** [S. 70](#) in operation at 2.12.2019 for specified purposes by [S.R. 2019/163](#), [art. 2\(4\)](#), [Sch. Pt. 4](#) (with [art. 3](#)) (as amended by S.R. 2019/190, art. 2)

### 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.

#### Commencement Information

- I2** [S. 71](#) in operation at 2.12.2019 for specified purposes by [S.R. 2019/163](#), [art. 2\(4\)](#), [Sch. Pt. 4](#) (with [art. 3](#)) (as amended by S.R. 2019/190, art. 2)

### 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.

#### Commencement Information

- I3** [S. 72](#) in operation at 2.12.2019 for specified purposes by [S.R. 2019/163](#), [art. 2\(4\)](#), [Sch. Pt. 4](#) (with [art. 3](#)) (as amended by S.R. 2019/190, art. 2)

**Changes to legislation:**

Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Appointment by person of his or her nominated person is up to date with all changes known to be in force on or before 25 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.

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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\(b\)](#)