



2016 CHAPTER 18

PART 3

NOMINATED PERSON

Formalities

Formalities for documents under Part 3

79.—(1) This section applies in relation to—

- (a) the appointment of a nominated person under section 70;
- (b) the revocation of an appointment under section 71(1);
- (c) the making of a declaration under section 77(1);
- (d) the revocation of a declaration under section 77(5).

(2) For the purposes of section 70(2), 71(2) and 77(6), the conditions of this section are met if—

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

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Formalities is up to date with all changes known to be in force on or before 14 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*

(3) In the case of an appointment of a nominated person under section 70, the certificate under subsection (2)(c) must include a statement that, in the opinion of the person witnessing the signature, X understands that the appointment may result in information about X (including sensitive personal information) being disclosed by virtue of this Act to the person appointed.

(4) Regulations may make provision for this section to have effect with prescribed modifications where a person making an appointment, revocation or declaration mentioned in subsection (1) is physically unable to make a signature.

Commencement Information

- II** S. 79 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)

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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\(b\)](#)