

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 118 is up to date with all changes known to be in force on or before 22 April 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*



## 2016 CHAPTER 18

### PART 6

#### HIGH COURT POWERS: DECISIONS AND DEPUTIES

##### *Decisions and deputies*

PROSPECTIVE

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

- 118.**—(1) This section applies if—
- (a) an order has been made under section 113(2)(b) appointing a deputy for a person (“P”);
  - (b) another person (“D”) does an act in connection with the care, treatment or personal welfare of P;
  - (c) D does the act with the consent of a person (“C”) purporting to be P’s deputy; and
  - (d) either C is not P’s deputy, or it is not within the scope of C’s authority to consent in relation to the matter in question.
- (2) If—
- (a) before doing the act, D takes reasonable steps to establish whether—
    - (i) C is P’s deputy, and
    - (ii) it is within the scope of C’s authority to consent in relation to the matter in question, and

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(b) when doing the act, D reasonably believes that C is P's deputy and has authority to consent in relation to the matter,

D does not incur any liability in relation to the act because C was not P's deputy or (as the case may be) did not have such authority.

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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\(b\)](#)