



2016 CHAPTER 18

PART 15

SUPPLEMENTARY

Codes of practice

Effect of code

289.—(1) A person acting in any of the ways mentioned in subsection (2) in relation to a person who is 16 or over and lacks capacity must have regard to any relevant code of practice.

(2) The ways of acting are—

- (a) in a professional capacity;
- (b) for remuneration;
- (c) as an independent mental capacity advocate;
- (d) as an attorney under a lasting power of attorney or an enduring power of attorney;
- (e) as a deputy appointed by the court;
- (f) as a person carrying out research in reliance on any provision made by or under this Act (see Part 8).

(3) If it appears to a court or tribunal conducting any criminal or civil proceedings that—

- (a) a provision of a code of practice, or
- (b) a failure to comply with a code of practice,

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 289 is up to date with all changes known to be in force on or before 13 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*

is relevant to a question arising in the proceedings, the provision or failure must be taken into account in deciding the question.

(4) In this section “code of practice” means a code of practice under section 288.

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Commencement Information

- II** S. 289(1)(2)(a)(b)(3)(4) 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\(b\)](#)