



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION
FROM LIABILITY, AND SAFEGUARDS

CHAPTER 8

SUPPLEMENTARY

*Medical reports: involvement of nominated
person and independent mental capacity advocate*

Medical reports: involvement of nominated person

- 54.—**(1) A relevant medical report may be made only if—
- (a) a nominated person is in place for P at the time when the person making the report determines for the purposes of the report what would be in P's best interests; and
 - (b) in making that determination, the person making the report consults and takes into account the views of the nominated person to the extent required by section 7(7) (duty to consult where practicable and appropriate and to take views into account).
- (2) Subsection (1)—
- (a) does not apply where the situation is an emergency for the purposes of this section (see section 56); and
 - (b) is without prejudice to section 55 (need to involve independent mental capacity advocate).

(3) For the purposes of this section a nominated person is “in place for P” at a particular time if at that time there is someone who is P’s nominated person (see section 69).

(4) In this section “a relevant medical report” means—

- (a) a report under section 39;
- (b) a medical report under paragraph 7 of Schedule 1;
- (c) a medical report under paragraph 4, 11, 13 or 14 of Schedule 2; or
- (d) a medical report under paragraph 5 of Schedule 3.