



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION
FROM LIABILITY, AND SAFEGUARDS

CHAPTER 8

SUPPLEMENTARY

Other supplementary provision

Part 2 not applicable where other authority for act

60.—(1) Section 9 does not apply in relation to an act—

- (a) which gives effect to a relevant decision; or
- (b) which a person has a power (or duty) to do under any other statutory provision (including any provision of this Act).

(2) In this section a “relevant decision” means a decision concerning the care, treatment or personal welfare of a person (“P”) which—

- (a) is made by the court on P's behalf under section 113(2)(a);
- (b) is made in accordance with this Act by an attorney under a lasting power of attorney granted by P and is within the scope of the attorney's authority;
- (c) is made in accordance with this Act by a deputy appointed for P by the court and is within the scope of the deputy's authority; or
- (d) where P is under 18, is a decision made by a parent or guardian of P which is effective under any rule of law.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 60 is up to date with all changes known to be in force on or before 12 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*

Commencement Information

- II** [S. 60\(1\)\(2\)\(d\)](#) 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\(b\)](#)