



## 2016 CHAPTER 18

### **PART 3**

#### NOMINATED PERSON

##### *Duties in relation to nominated person*

##### **Determining who is nominated person**

**85.**—(1) Where a person (“D”) is determining for any purpose of this Act whether another person (“P”) has a nominated person or who P’s nominated person is, then unless D has reason to believe that an action mentioned in subsection (2) has been taken, D may assume that that action has not been taken.

(2) The actions referred to in subsection (1) are—

- (a) the appointment of a person as P’s nominated person;
- (b) the revocation of such an appointment;
- (c) a declaration by P that a particular person is not to be P’s default nominated person;
- (d) any other action under Part 3 which would affect whether P has a nominated person or who P’s nominated person is.

(3) For the purposes of this Act it is “practicable to establish” whether a person has a nominated person, or who a person’s nominated person is, if it is practicable to form a reasonable belief about that matter (having regard to subsection (1)).

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**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 85 is up to date with all changes known to be in force on or before 20 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*

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#### **Commencement Information**

- II** [S. 85](#) 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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[View outstanding changes](#)

**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\(b\)](#)