

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

Social Security Administration Act 1992 (c. 5)

- 37 In section 123 of the Social Security Administration Act 1992 (c. 5) (unauthorised disclosure of information)—
- (a) in subsection (10), omit—
 - (i) in paragraph (b), “a receiver appointed under section 99 of the Mental Health Act 1983 or”,
 - (ii) in paragraph (d)(i), “sub-paragraph (a) of rule 41(1) of the Court of Protection Rules 1984 or”,
 - (iii) in paragraph (d)(ii), “a receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1) or”, and
 - (iv) “receiver,”, and
 - (b) after that subsection, insert—

“(11) Where the person to whom the information relates lacks capacity (within the meaning of the Mental Capacity Act 2005) to consent to its disclosure, the appropriate person is—

 - (a) a donee of an enduring power of attorney or lasting power of attorney (within the meaning of that Act), or
 - (b) a deputy appointed for him, or any other person authorised, by the Court of Protection,

with power in that respect.”.