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*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 16. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

#### INTERNATIONAL PROTECTION OF ADULTS

##### PART 3

##### APPLICABLE LAW

###### *Protection of third parties*

- 16 (1) This paragraph applies where a person (a “representative”) in purported exercise of an authority to act on behalf of an adult enters into a transaction with a third party.
- (2) The validity of the transaction may not be questioned in proceedings, nor may the third party be held liable, merely because—
- (a) where the representative and third party are in England and Wales when entering into the transaction, sub-paragraph (3) applies;
  - (b) where they are in another country at that time, sub-paragraph (4) applies.
- (3) This sub-paragraph applies if—
- (a) the law applicable to the authority in one or more respects is, as a result of this Schedule, the law of a country other than England and Wales, and
  - (b) the representative is not entitled to exercise the authority in that respect (or those respects) under the law of that other country.
- (4) This sub-paragraph applies if—
- (a) the law applicable to the authority in one or more respects is, as a result of this Part of this Schedule, the law of England and Wales, and
  - (b) the representative is not entitled to exercise the authority in that respect (or those respects) under that law.
- (5) This paragraph does not apply if the third party knew or ought to have known that the applicable law was—
- (a) in a case within sub-paragraph (3), the law of the other country;
  - (b) in a case within sub-paragraph (4), the law of England and Wales.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 16.