

Status: Point in time view as at 01/04/2008.

Changes to legislation: *Mental Capacity Act 2005, Cross Heading: Protection of third parties is up to date with all changes known to be in force on or before 20 April 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)*

SCHEDULE 3

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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.

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