

Status: Point in time view as at 01/04/2022.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Section 121 is up to date with all changes known to be in force on or before 14 June 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)



2016 CHAPTER 18

PART 6

HIGH COURT POWERS: DECISIONS AND DEPUTIES

Ancillary powers of the court

Powers of Public Guardian or Court Visitor in respect of reports under section 120(2)

121.—(1) This section applies where, in proceedings brought in respect of a person (“P”) under this Part, the court imposes a requirement to make a report under section 120(2).

(2) If the Public Guardian or a Court Visitor is making a visit in the course of complying with the requirement, he or she may interview P in private.

(3) If a Court Visitor who is a Special Visitor is making a visit in the course of complying with the requirement, he or she may if the court so directs carry out in private a medical, psychiatric or psychological examination of P's capacity and condition.

(4) For the purpose of complying with the requirement, the Public Guardian or a Court Visitor may at all reasonable times require the production of, examine and take copies of—

- (a) any health record (as defined by section 306),
- (b) any relevant record, or
- (c) any court record,

so far as the record relates to P.

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(5) But if P has capacity in relation to whether the power under subsection (4) should be exercised, the power may be exercised only with P's consent.

(6) In this section—

“court record” means documentation held by the court relating to the proceedings mentioned in subsection (1);

“relevant record” means a record relating to P's care, treatment or personal welfare which is a record of or held by—

- (a) an HSC trust;
- (b) ^{F1} ...
- (c) RQIA;
- (d) a Northern Ireland department or its employees or agents;
- (e) the managing authority of an independent hospital; or
- (f) the managing authority of a care home.

Textual Amendments

- F1** Words in s. 121(6) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 252\(3\)](#); S.R. 2022/102, art. 2(b)

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