



## 2016 CHAPTER 18

### PART 7

#### PUBLIC GUARDIAN AND COURT VISITORS

##### *Public Guardian*

##### **Further powers of the Public Guardian**

**127.**—(1) The powers under subsections (2) and (3) may be exercised for the purpose of enabling the Public Guardian to carry out his or her functions in relation to a person (“P”)—

- (a) who proposes to grant or has granted a lasting power of attorney; or
- (b) for whom a deputy is appointed.

(2) The Public Guardian may visit P and interview P in private.

(3) The Public Guardian may at all reasonable times require the production of, examine and take copies of—

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

so far as the record relates to P.

(4) But if P has capacity in relation to whether the power under subsection (3) should be exercised, the power may be exercised only with P's consent.

(5) In this section “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 or its employees or agents;

<sup>F1</sup>(b) .....

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**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 127 is up to date with all changes known to be in force on or before 12 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)*

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- (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.

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**Textual Amendments**

- F1** S. 127(5)(b) 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\(4\)](#); S.R. 2022/102, art. 2(b)

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