

*Status: This version of this cross heading contains provisions that are prospective.*  
*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Court Visitors is up to date with all changes known to be in force on or before 29 March 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) View outstanding changes*



## 2016 CHAPTER 18

### PART 7

#### PUBLIC GUARDIAN AND COURT VISITORS

PROSPECTIVE

##### *Court Visitors*

##### **Court Visitors**

**130.—**(1) A Court Visitor is a person who is appointed by the Department of Justice to—

- (a) a panel of Special Visitors; or
- (b) a panel of General Visitors.

(2) A person may be appointed to a panel of Special Visitors only if—

- (a) the person is a medical practitioner or appears to the Department of Justice to have other suitable qualifications or training; and
- (b) the person appears to the Department of Justice to have special knowledge of and experience in relation to persons with impairment of, or disturbance in the functioning of, the mind or brain.

(3) A General Visitor need not have a medical qualification.

(4) A Court Visitor—

- (a) may be appointed for such term and subject to such conditions, and
- (b) may be paid such remuneration and allowances,

as the Department of Justice may determine.

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## **Powers of Court Visitors**

**131.**—(1) The powers under subsection (2) and (3) may be exercised for the purpose of enabling a Court Visitor to carry out his or her functions under this Act in relation to a person who lacks capacity.

(2) The Court Visitor may visit the person and interview the person in private.

(3) The 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), or
- (b) any relevant record,

so far as the record relates to the person.

(4) But if the person has capacity in relation to whether the power under subsection (3) should be exercised, the power may be exercised only with his or her consent.

(5) In this section “relevant record” means a record relating to the person's care, treatment or personal welfare which is a record of or held by—

- (a) an HSC trust;
- <sup>F1</sup>(b) .....
- (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** S. 131(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\(6\)](#); S.R. 2022/102, art. 2(b)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)