

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 116 is up to date with all changes known to be in force on or before 22 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) View outstanding changes*



2016 CHAPTER 18

PART 6

HIGH COURT POWERS: DECISIONS AND DEPUTIES

Decisions and deputies

PROSPECTIVE

Appointment of deputies

116.—(1) A deputy appointed by the court must be—

- (a) an individual who is 18 or over; or
- (b) as respects powers concerning property and affairs, either such an individual or a trust corporation.

(2) The court may appoint an individual by appointing the holder for the time being of a specified office or position.

(3) A person may be appointed as a deputy only with that person's consent.

(4) The court may appoint two or more deputies to act—

- (a) jointly;
- (b) jointly and severally; or
- (c) jointly in respect of some matters and jointly and severally in respect of others.

(5) When appointing a deputy or deputies, the court may at the same time appoint one or more other persons to succeed the existing deputy or those deputies—

Status: This version of this provision is prospective.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Section 116 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (a) in specified circumstances or on the happening of specified events;
 - (b) for a specified period.
- (6) A deputy is to be treated as P's agent in relation to anything done or decided by the deputy within the scope of the deputy's appointment and in accordance with this Act.
- (7) The deputy is entitled—
- (a) to be reimbursed out of P's property for the deputy's reasonable expenses in discharging the deputy's functions; and
 - (b) if the court so directs when appointing the deputy, to remuneration out of P's property for discharging them.
- (8) The court may confer on a deputy powers to—
- (a) take possession or control of all or any specified part of P's property;
 - (b) exercise all or any specified powers in respect of it, including such powers of investment as the court may determine.
- (9) The court may require a deputy—
- (a) to give to the Public Guardian such security as the court considers appropriate for the proper performance of the deputy's functions; and
 - (b) to submit to the Public Guardian such reports at such times or at such intervals as the court may direct.
- (10) In this section “specified” means specified by the court.

Status:

This version of this provision is prospective.

Changes to legislation:

Mental Capacity Act (Northern Ireland) 2016, Section 116 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

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\(b\)](#)