



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;
- (b) the Regional Board;

- (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.