

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 129 is up to date with all changes known to be in force on or before 12 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

##### *Public Guardian*

PROSPECTIVE

##### **Notifications under section 128: procedure and effect**

**129.—**(1) A notification under section 128 must be made within such time and in such form as rules of court may specify.

(2) Where a notification is made under section 128 in relation to any person (“P”), the body or person making the notification must, where practicable, inform P’s nominated person.

(3) The Public Guardian, on receipt of a notification in respect of a person under section 128—

- (a) must consider whether the Public Guardian should make inquiries into the person’s case; and
- (b) if the Public Guardian considers that he or she should make inquiries, must seek the leave of the court to make them and, if leave is granted, must make such inquiries as he or she considers appropriate.

(4) Where inquiries have been made under subsection (3) the Public Guardian may, if he or she considers it appropriate to do so, arrange for the bringing of proceedings before the court under section 113.

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(5) Inquiries under subsection (3) must be made within the period specified by the court.

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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\(b\)](#)