

## **Applicants under 18**

**48.**—(1) An application may be made on behalf of a child by the child’s parents or a person having legal responsibility for the child.

(2) Subject to paragraph (3), where a child is entitled to victims’ payments, any payment is to be made to the child’s parents or a person having legal responsibility for the child.

(3) Where paragraph (4) applies the Board may, in writing, appoint a person to—

- (a) receive payments on behalf of the child, and
- (b) apply the payments for the benefit of the child.

(4) This paragraph applies if the Board considers that it is in the interests of the child that a person other than the parent or person having legal responsibility for the child should receive payments on behalf of the child.

(5) Where a person appointed under paragraph (3) is a natural person, the person must be over the age of 18.

(6) The Board may, before appointing a person under paragraph (3), require that person to give such undertaking as the Board considers necessary as to the use of payments.

(7) Where the Board has made an appointment under paragraph (3)—

- (a) the Board may at any time revoke it and either—
  - (i) make another appointment under paragraph (3), or
  - (ii) pay the child’s payments to the parent or the person having legal responsibility for the child, and
- (b) the person appointed may resign after having given one month’s notice in writing to the Board of the intention to do so.

(8) In this regulation, a “child” means a person under the age of 18.

## **Duty to notify the Public Guardian**

**49.**—(1) Where a health care professional, after carrying out an assessment of a person, is satisfied—

- (a) that the person lacks capacity in relation to a matter or matters relating to that person’s care, treatment, personal welfare or property and affairs;
- (b) that any of the powers of the court under section 113 of the Mental Capacity Act (Northern Ireland) 2016<sup>(a)</sup> ought to be exercised with respect of a relevant matter, and
- (c) that arrangements in that behalf under section 113 of that Act have not been made and are not being made;

it is the duty of the health care professional to notify the Public Guardian of the situation.

(2) In this regulation—

“lacks capacity” has the meaning given by section 3 of the Mental Capacity Act (Northern Ireland) 2016;

“Public Guardian” has the meaning given by section 125 of that Act (the Public Guardian).

(3) Until section 128 of the Mental Capacity Act (Northern Ireland) 2016 (duty to notify the Public Guardian) is in force for all purposes, this regulation has effect as if for paragraphs (1) and (2) there were substituted—

“(1) Where a health care professional, after carrying out an assessment of a person, is satisfied—

- (a) that the person by reason of mental disorder, of managing and administering their property and affairs;

---

(a) 2016 c. 18; section 113 is not yet in force.