

Status: Point in time view as at 01/10/2007.

Changes to legislation: Mental Capacity Act 2005, Cross Heading: Applications and procedure for registration is up to date with all changes known to be in force on or before 27 June 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)

SCHEDULES

SCHEDULE 1

LASTING POWERS OF ATTORNEY: FORMALITIES

PART 2

REGISTRATION

Applications and procedure for registration

- 4 (1) An application to the Public Guardian for the registration of an instrument intended to create a lasting power of attorney—
- (a) must be made in the prescribed form, and
 - (b) must include any prescribed information.
- (2) The application may be made—
- (a) by the donor,
 - (b) by the donee or donees, or
 - (c) if the instrument appoints two or more donees to act jointly and severally in respect of any matter, by any of the donees.
- (3) The application must be accompanied by—
- (a) the instrument, and
 - (b) any fee provided for under section 58(4)(b).
- (4) A person who, in an application for registration, makes a statement which he knows to be false in a material particular is guilty of an offence and is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- 5 Subject to paragraphs 11 to 14, the Public Guardian must register the instrument as a lasting power of attorney at the end of the prescribed period.

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