



Guardianship (Missing Persons) Act 2017

2017 CHAPTER 27

Guardianship orders

3 Making a guardianship order

- (1) The court may make a guardianship order on an application under section 2 if subsection (2) or (3) of this section applies (and see also sections 19 and 20).
- (2) This subsection applies if the court is satisfied that—
 - (a) the person whose property or financial affairs are the subject of the application is missing,
 - (b) the person was missing throughout the period of 90 days ending with the day on which the application was made,
 - (c) in all the circumstances, the appointment of a guardian in respect of property or financial affairs of the missing person is in the missing person's best interests (see section 18), and
 - (d) there is a person who could be appointed as guardian (see the requirements in section 4(1)),(and in this Act the condition in paragraph (b) is referred to as “the absence condition”).
- (3) This subsection applies if the court is satisfied that—
 - (a) subsection (2) does not apply because (and only because) the absence condition is not met, but
 - (b) a decision is needed, or is likely to be needed, in relation to property or financial affairs of the missing person before the day on which that condition would be met,(and in this Act the condition in paragraph (b) is referred to as “the urgency condition”).
- (4) The court must send a copy of a guardianship order to the Public Guardian.
- (5) The Secretary of State may by regulations made by statutory instrument amend subsection (2)(b) by increasing or reducing the period for the time being specified there.

Status: This is the original version (as it was originally enacted).

- (6) Regulations under this section may include transitional, transitory or saving provision.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.