
STATUTORY INSTRUMENTS

2007 No. 1253

MENTAL CAPACITY, ENGLAND AND WALES

The Lasting Powers of Attorney, Enduring Powers
of Attorney and Public Guardian Regulations 2007

<i>Made</i>	- - - -	<i>16th April 2007</i>
<i>Laid before Parliament</i>		<i>17th April 2007</i>
<i>Coming into force</i>		<i>1st October 2007</i>

THE LASTING POWERS OF ATTORNEY, ENDURING POWERS
OF ATTORNEY AND PUBLIC GUARDIAN REGULATIONS 2007

PART 1

1. Citation and commencement
2. Interpretation
3. Minimal differences from forms prescribed in these Regulations
4. Computation of time

PART 2

Instruments intended to create a lasting power of attorney

5. Forms for lasting powers of attorney
6. Maximum number of named persons
7. Requirement for two LPA certificates where instrument has no named persons
8. Persons who may provide an LPA certificate
9. Execution of instrument

Registering the instrument

10. Notice to be given by a person about to apply for registration of lasting power of attorney
11. Application for registration
12. Period to elapse before registration in cases not involving objection or defect
13. Notice of receipt of application for registration

Status: This is the original version (as it was originally made).

14. Objection to registration: notice to Public Guardian
15. Objection to registration: application to the court
16. Notifying applicants of non-registration of lasting power of attorney
17. Notice to be given on registration of lasting power of attorney

Post-registration

18. Changes to instrument registered as lasting power of attorney
19. Loss or destruction of instrument registered as lasting power of attorney
20. Disclaimer of appointment by a donee of lasting power of attorney
21. Revocation by donor of lasting power of attorney
22. Revocation of a lasting power of attorney on death of donor

PART 3

23. Notice of intention to apply for registration of enduring power of attorney
24. Application for registration
25. Notice of objection to registration
26. Notifying applicants of non-registration of enduring power of attorney
27. Registration of instrument creating an enduring power of attorney
28. Objection or revocation not applying to all joint and several attorneys
29. Loss or destruction of instrument registered as enduring power of attorney

PART 4

The registers

30. Establishing and maintaining the registers
31. Disclosure of information on a register: search by the Public Guardian
32. Disclosure of additional information held by the Public Guardian

Security for discharge of functions

33. Persons required to give security for the discharge of their functions
34. Security given under regulation 33(2)(a): requirement for endorsement
35. Security given under regulation 33(2)(a): maintenance or replacement
36. Enforcement following court order of any endorsed security
37. Discharge of any endorsed security

Deputies

38. Application for additional time to submit a report
39. Content of reports
40. Power to require final report on termination of appointment
41. Power to require information from deputies
42. Right of deputy to require review of decisions made by the Public Guardian

Miscellaneous functions

43. Applications to the Court of Protection
44. Visits by the Public Guardian or by Court of Protection Visitors at his direction
45. Functions in relation to persons carrying out specific transactions
46. Power to require information from donees of lasting power of attorney

47. Power to require information from attorneys under enduring power of attorney
48. Other functions in relation to enduring powers of attorney
Signature

SCHEDULE 1 — Form for instrument intended to create a Lasting Power of Attorney

SCHEDULE 2 — Notice of Intention to Apply for Registration of a Lasting Power of Attorney: LPA 001

SCHEDULE 3 — Application to Register a Lasting Power of Attorney: LPA 002

SCHEDULE 4 — Notice of Receipt of an Application to Register a Lasting Power of Attorney: LPA 003A and LPA 003B

SCHEDULE 5 — Notice of Registration of a Lasting Power of Attorney: LPA 004

SCHEDULE 6 — Disclaimer by Donee of a Lasting Power of Attorney: LPA 005

SCHEDULE 7 — Notice of Intention to Apply for Registration of an Enduring Power of Attorney

SCHEDULE 8 — Application to Register an Enduring Power of Attorney

Explanatory Note