

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 110 is up to date with all changes known to be in force on or before 16 July 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 5

LASTING POWERS OF ATTORNEY

Powers of the court

PROSPECTIVE

Powers of court as to lasting powers of attorney

110.—(1) This section applies if—

- (a) a person has executed an instrument with a view to creating a lasting power of attorney (a “relevant instrument”) or purported to execute a relevant instrument; or
- (b) an instrument has been registered as a lasting power of attorney.

(2) The court may determine any question relating to—

- (a) whether one or more of the requirements for the creation of a lasting power of attorney have been met;
- (b) whether the instrument or power has been revoked or has otherwise come to an end.

(3) Subsection (4) applies if the court is satisfied—

- (a) that fraud or undue pressure was used to induce a person to create a lasting power of attorney or execute a relevant instrument;

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- (b) that an attorney under a lasting power of attorney has behaved, or is behaving, in a way that contravenes the attorney's authority or is not in the donor's best interests; or
 - (c) that a person appointed as attorney or replacement attorney by a lasting power of attorney or relevant instrument proposes to behave as attorney in a way that would contravene the attorney's authority or would not be in the donor's best interests.
- (4) Where this subsection applies, the court may—
- (a) direct that an instrument purporting to create the lasting power of attorney is not to be registered; or
 - (b) if the donor lacks capacity to revoke the instrument or the lasting power of attorney—
 - (i) revoke the instrument or power; or
 - (ii) terminate the appointment of a person appointed as attorney or replacement attorney by the instrument or power.

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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\(b\)](#)