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STATUTORY INSTRUMENTS

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**1994 No. 3047**

**The Court of Protection (Enduring Powers of Attorney) Rules 1994**

**PART VI**

**CANCELLATION OF REGISTRATION**

**Cancellation of a registered enduring power of attorney**

**26.**—(1) Where the court is satisfied that one of the circumstances listed in section 8(4) of the Act applies, it shall direct the Public Trustee to cancel the registration of the enduring power of attorney in question and to send a notice to the attorney requiring him to deliver the original instrument to the Public Trustee.

(2) Where the Public Trustee—

- (a) receives notice of a disclaimer under section 7(1)(b) of the Act;
- (b) is satisfied that the enduring power of attorney has been revoked by the death or bankruptcy of the donor; or
- (c) is satisfied that the enduring power of attorney has been revoked by the death or bankruptcy of the attorney or, if the attorney is a body corporate, its winding up or dissolution;

he shall cancel the registration of the enduring power of attorney and the court shall send notice to the attorney, or his personal representatives or the liquidator or receiver of a body corporate where appropriate, requiring him or them to deliver the original instrument to the Public Trustee.

(3) Where the instrument creating an enduring power of attorney has been lost or destroyed, the attorney shall give to the Public Trustee written details of the date on which the instrument was lost or destroyed and the circumstances in which that occurred.

(4) Where registration has been cancelled for any reason other than that set out in section 8(4)(c) of the Act, the court shall direct the Public Trustee to mark the power of attorney as cancelled or, where appropriate, the Public Trustee shall do so of his own motion.

(6) Any notices issued by the court under this rule may contain a warning that failure to comply with the notice may lead to punishment for contempt of court.