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STATUTORY INSTRUMENTS

2007 No. 2161

MENTAL CAPACITY, ENGLAND AND WALES

**The Lasting Powers of Attorney, Enduring Powers of Attorney
and Public Guardian (Amendment) Regulations 2007**

<i>Made</i> - - - -	<i>22nd July 2007</i>
<i>Laid before Parliament</i>	<i>25th July 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 58(3), 64(1) and 65(1)(b) of, and Schedule 1 to, the Mental Capacity Act 2005(a):

Citation and commencement

1. These Regulations may be cited as the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian (Amendment) Regulations 2007 and shall come into force on 1 October 2007.

Amendment of the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007

2. The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007(b) shall be amended in accordance with regulations 3 and 4 below.

3.—(1) In the title of regulation 14 (Objection to registration: notice to Public Guardian) after the words “Public Guardian” insert “to be given by the donee of the power or a named person”.

(2) In regulation 14(1) after the words “Public Guardian” insert “by the donee of the power or a named person”.

(3) In regulation 14(2) for the words “any person” substitute “the donee of the power or a named person”.

(4) In regulation 14(3)(b) omit the words “, if different”.

4. Insert as regulation 14A—

(a) 2005 c.9.

(b) S.I. 2007/1253, as amended by S.I. 2007/2051.

“Objection to registration: notice to Public Guardian to be given by the donor

14A.—(1) This regulation deals with any objection to the registration of an instrument as a lasting power of attorney which is to be made to the Public Guardian by the donor of the power.

(2) Where the donor of the power—

- (a) is entitled to receive notice under paragraph 8 of Schedule 1 to the Act of an application for the registration of the instrument, and
- (b) wishes to object to the registration,

he must do so before the end of the period of 5 weeks beginning with the date on which the notice is given.

(3) The donor of the power must give notice of his objection in writing to the Public Guardian, setting out—

- (a) the name and address of the donor of the power;
- (b) if known, the name and address of the donee (or donees); and
- (c) the ground for making the objection.”

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under-Secretary of State
Ministry of Justice

22nd July 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007 by disapplying regulation 14 to objections to registration of the instrument creating the power made by the donor of a lasting power of attorney and inserting a new regulation 14A which deals solely with objections to registration made by the donor. The new regulation 14A prescribes a period of 5 weeks for such objections.

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