

**2010 No. 1062**

**MENTAL CAPACITY, ENGLAND AND WALES**

**The Public Guardian (Fees, etc.) (Amendment) Regulations  
2010**

<i>Made</i>	- - - -	<i>25th March 2010</i>
<i>Laid before Parliament</i>		<i>29th March 2010</i>
<i>Coming into force</i>	- -	<i>1st May 2010</i>

The Lord Chancellor, in exercise of the powers conferred by sections 58(3)(b) and (4) and 65(1)(b) of the Mental Capacity Act 2005(a), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Public Guardian (Fees, etc.) (Amendment) Regulations 2010 and shall come into force on 1st May 2010.

**Amendments to the Public Guardian (Fees, etc.) Regulations 2007**

2. The Public Guardian (Fees, etc.) Regulations 2007(b) are amended in accordance with regulation 3.

3. In regulation 10 (reductions and remissions in exceptional circumstances)—

- (a) before “Where it appears” insert “(1)”; and
- (b) at the end, insert—

“(2) An application for the reduction or remission of any fee paid under regulation 8 (appointment of deputy: supervision fees) must be made to the Public Guardian within 6 months after the date of the invoice in respect of that fee.”

**Transitional provision**

4. These Regulations apply to applications for the reduction or remission of a fee, the invoice for which is dated 1st May 2010 or later.

Signed on the authority of the Lord Chancellor

25th March 2010

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

---

(a) 2005, c.9. Section 65 was amended by the Mental Health Act 2007, section 50(7) and Schedule 9, Part 1, paragraphs 1 and 11, and by SI 2006/1016, article 2 and Schedule 1, paragraph 37.  
(b) S.I. 2007/2051, to which there are amendments not relevant to these Regulations.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Public Guardian (Fees. etc.) Regulations 2007 (SI 2007/2051) by inserting new paragraph (2) into regulation 10 (reductions and remissions in exceptional circumstances) providing that an application for the reduction or remission of any fee paid under regulation 8 (appointment of deputy: supervision fees) must be made to the Public Guardian within 6 months after the date of the invoice for that fee (regulation 3). The 6-month time limit applies only to applications for the reduction or remission of such fees, where the invoice for that fee is dated on or after 1st May 2010, the date of coming into force of these Regulations (regulation 4).

---

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00