
Status: Point in time view as at 01/10/2007.

Changes to legislation: Mental Capacity Act 2005, Paragraph 4 is up to date with all changes known to be in force on or before 05 May 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)

SCHEDULES

SCHEDULE 1

LASTING POWERS OF ATTORNEY: FORMALITIES

PART 2

REGISTRATION

Applications and procedure for registration

- 4 (1) An application to the Public Guardian for the registration of an instrument intended to create a lasting power of attorney—
- (a) must be made in the prescribed form, and
 - (b) must include any prescribed information.
- (2) The application may be made—
- (a) by the donor,
 - (b) by the donee or donees, or
 - (c) if the instrument appoints two or more donees to act jointly and severally in respect of any matter, by any of the donees.
- (3) The application must be accompanied by—
- (a) the instrument, and
 - (b) any fee provided for under section 58(4)(b).
- (4) A person who, in an application for registration, makes a statement which he knows to be false in a material particular is guilty of an offence and is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

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