

**Changes to legislation:** There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Failure to comply with prescribed form. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### LASTING POWERS OF ATTORNEY: FORMALITIES

##### PART 1

##### MAKING INSTRUMENTS

###### *Failure to comply with prescribed form*

- 3 (1) If an instrument differs in an immaterial respect in form or mode of expression from the prescribed form, it is to be treated by the Public Guardian as sufficient in point of form and expression.
- (2) The court may declare that an instrument which is not in the prescribed form is to be treated as if it were, if it is satisfied that the persons executing the instrument intended it to create a lasting power of attorney.

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