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*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: General requirements as to making instruments. (See end of Document for details)*

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# SCHEDULES<sup>1</sup>

## SCHEDULE 1

### LASTING POWERS OF ATTORNEY: FORMALITIES

#### PART 1

#### MAKING INSTRUMENTS

##### *General requirements as to making instruments*

- 1 (1) An instrument is not made in accordance with this Schedule unless—
- (a) it is in the prescribed form,
  - (b) it complies with paragraph 2, and
  - (c) any prescribed requirements in connection with its execution are satisfied.
- (2) Regulations may make different provision according to whether—
- (a) the instrument relates to personal welfare or to property and affairs (or to both);
  - (b) only one or more than one donee is to be appointed (and if more than one, whether jointly or jointly and severally).
- (3) In this Schedule—
- (a) “prescribed” means prescribed by regulations, and
  - (b) “regulations” means regulations made for the purposes of this Schedule by the Lord Chancellor.

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**Changes to legislation:**

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Heading: General requirements as to making instruments.