
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 13. (See end of Document for details)

SCHEDULES

SCHEDULE 3

INTERNATIONAL PROTECTION OF ADULTS

PART 3

APPLICABLE LAW

Lasting powers of attorney, etc.

- 13 (1) If the donor of a lasting power is habitually resident in England and Wales at the time of granting the power, the law applicable to the existence, extent, modification or extinction of the power is—
- (a) the law of England and Wales, or
 - (b) if he specifies in writing the law of a connected country for the purpose, that law.
- (2) If he is habitually resident in another country at that time, but England and Wales is a connected country, the law applicable in that respect is—
- (a) the law of the other country, or
 - (b) if he specifies in writing the law of England and Wales for the purpose, that law.
- (3) A country is connected, in relation to the donor, if it is a country—
- (a) of which he is a national,
 - (b) in which he was habitually resident, or
 - (c) in which he has property.
- (4) Where this paragraph applies as a result of sub-paragraph (3)(c), it applies only in relation to the property which the donor has in the connected country.
- (5) The law applicable to the manner of the exercise of a lasting power is the law of the country where it is exercised.
- (6) In this Part of this Schedule, “lasting power” means—
- (a) a lasting power of attorney (see section 9),
 - (b) an enduring power of attorney within the meaning of Schedule 4, or
 - (c) any other power of like effect.

Modifications etc. (not altering text)

C1 Sch. 3 para. 13(6) excluded (1.12.2017) by [The Court of Protection Rules 2017 \(S.I. 2017/1035\)](#), [rules 23.2, 24.6\(1\)](#)

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