
Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Powers of Attorney Act 2023, Cross Heading: Objections to registration. (See end of Document for details)

PROSPECTIVE

SCHEDULE

LASTING POWERS OF ATTORNEY

PART 1

REGISTRATION OF LASTING POWERS OF ATTORNEY

Objections to registration

- 7 (1) In paragraph 13—
- (a) for sub-paragraph (3)(b) substitute—
 - “(b) before the end of the prescribed period, gives notice to the Public Guardian of an objection to the registration on a prescribed ground.”;
 - (b) for sub-paragraph (4) substitute—
 - “(4) The Public Guardian must not register the instrument unless—
 - (a) the Public Guardian is satisfied that no evidence has been provided which reasonably supports the making of the objection on that ground, or
 - (b) the court, on the application of the donor or the donee (or, if more than one, any of them), directs the Public Guardian to register the instrument.”
- (2) After that paragraph insert—
- “Objection by third party*
- 13A (1) This paragraph applies where—
- (a) an application has been made under paragraph 4 for the registration of an instrument (and at the time when the notice mentioned in [paragraph \(b\)](#) is given that application has not been determined),
 - (b) a third party has given the Public Guardian notice of an objection on a relevant ground to the registration of the instrument (“the notice of objection”), and
 - (c) that notice was given after the Public Guardian was first notified in a prescribed manner by (or on behalf of) the donor of the donor’s intention to make the application mentioned in [paragraph \(a\)](#).
- (2) In [sub-paragraph \(1\)](#) “on a relevant ground” means—
- (a) on the ground that an event mentioned in section 13(3) or (6)(a) to (d) has occurred which has revoked the instrument, or
 - (b) on a prescribed ground.

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- (3) Where the notice of objection is given on the ground within [sub-paragraph \(2\)\(a\)](#) and the Public Guardian is satisfied that the ground for making the objection is established, the Public Guardian must not register the instrument unless the court, on the application of the donor or the donee (or, if more than one, any of them)—
 - (a) is satisfied that the ground is not established, and
 - (b) directs the Public Guardian to register the instrument.
- (4) Where the notice of objection is given on a ground within [sub-paragraph \(2\)\(b\)](#) the Public Guardian must not register the instrument unless—
 - (a) the Public Guardian is satisfied that no evidence has been provided which reasonably supports the making of the objection on that ground, or
 - (b) the court, on the application of the donor or the donee (or, if more than one, any of them) directs the Public Guardian to register the instrument.
- (5) In this paragraph “third party” means a person who is not the donor, a donee or a named person.”

Commencement Information

- II** Sch. para. 7 not in force at Royal Assent, see [s. 3\(5\)](#)

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