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STATUTORY INSTRUMENTS

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**2007 No. 1253**

The Lasting Powers of Attorney, Enduring Powers  
of Attorney and Public Guardian Regulations 2007

PART 4

FUNCTIONS OF THE PUBLIC GUARDIAN

*Deputies*

**Application for additional time to submit a report**

**38.**—(1) This regulation applies where the court requires a deputy to submit a report to the Public Guardian and specifies a time or interval for it to be submitted.

(2) A deputy may apply to the Public Guardian requesting more time for submitting a particular report.

(3) An application must—

- (a) state the reason for requesting more time; and
- (b) contain or be accompanied by such information as the Public Guardian may reasonably require to determine the application.

(4) In response to an application, the Public Guardian may, if he considers it appropriate to do so, undertake that he will not take steps to secure performance of the deputy's duty to submit the report at the relevant time on the condition that the report is submitted on or before such later date as he may specify.

**Content of reports**

**39.**—(1) Any report which the court requires a deputy to submit to the Public Guardian must include such material as the court may direct.

(2) The report must also contain or be accompanied by—

- (a) specified information or information of a specified description; or
- (b) specified documents or documents of a specified description.

(3) But paragraph (2)—

- (a) extends only to information or documents which are reasonably required in connection with the exercise by the Public Guardian of functions conferred on him under the Act; and
- (b) is subject to paragraph (1) and to any other directions given by the court.

(4) Where powers as respects a person's property and affairs are conferred on a deputy under section 16 of the Act, the information specified by the Public Guardian under paragraph (2) may include accounts which—

- (a) deal with specified matters; and

- (b) are provided in a specified form.
- (5) The Public Guardian may require—
  - (a) any information provided to be verified in such manner, or
  - (b) any document produced to be authenticated in such manner,as he may reasonably require.
- (6) “Specified” means specified in a notice in writing given to the deputy by the Public Guardian.

**Power to require final report on termination of appointment**

- 40.**—(1) This regulation applies where—
- (a) the person on whose behalf a deputy was appointed to act has died;
  - (b) the deputy has died;
  - (c) the court has made an order discharging the deputy; or
  - (d) the deputy otherwise ceases to be under a duty to discharge the functions to which his appointment relates.
- (2) The Public Guardian may require the deputy (or, in the case of the deputy’s death, his personal representatives) to submit a final report on the discharge of his functions.
- (3) A final report must be submitted—
- (a) before the end of such reasonable period as may be specified; and
  - (b) at such place as may be specified.
- (4) The Public Guardian must consider the final report, together with any other information that he may have relating to the discharge by the deputy of his functions.
- (5) Where the Public Guardian is dissatisfied with any aspect of the final report he may apply to the court for an appropriate remedy (including enforcement of security given by the deputy).
- (6) “Specified” means specified in a notice in writing given to the deputy or his personal representatives by the Public Guardian.

**Power to require information from deputies**

- 41.**—(1) This regulation applies in any case where—
- (a) the Public Guardian has received representations (including complaints) about—
    - (i) the way in which a deputy is exercising his powers; or
    - (ii) any failure to exercise them; or
  - (b) it appears to the Public Guardian that there are other circumstances which—
    - (i) give rise to concerns about, or dissatisfaction with, the conduct of the deputy (including any failure to act); or
    - (ii) otherwise constitute good reason to seek information about the deputy’s discharge of his functions.
- (2) The Public Guardian may require the deputy—
- (a) to provide specified information or information of a specified description; or
  - (b) to produce specified documents or documents of a specified description.
- (3) The information or documents must be provided or produced—
- (a) before the end of such reasonable period as may be specified; and
  - (b) at such place as may be specified.

- (4) The Public Guardian may require—
  - (a) any information provided to be verified in such manner, or
  - (b) any document produced to be authenticated in such manner,as he may reasonably require.

(5) “Specified” means specified in a notice in writing given to the deputy by the Public Guardian.

#### **Right of deputy to require review of decisions made by the Public Guardian**

**42.**—(1) A deputy may require the Public Guardian to reconsider any decision he has made in relation to the deputy.

(2) The right under paragraph (1) is exercisable by giving notice of exercise of the right to the Public Guardian before the end of the period of 14 days beginning with the date on which notice of the decision is given to the deputy.

- (3) The notice of exercise of the right must—
  - (a) state the grounds on which reconsideration is required; and
  - (b) contain or be accompanied by any relevant information or documents.

(4) At any time after receiving the notice and before reconsidering the decision to which it relates, the Public Guardian may require the deputy to provide him with such further information, or to produce such documents, as he reasonably considers necessary to enable him to reconsider the matter.

- (5) The Public Guardian must give to the deputy—
  - (a) written notice of his decision on reconsideration, and
  - (b) if he upholds the previous decision, a statement of his reasons.