

SCHEDULE 2

Amendment of disqualification provision made by Act of Parliament

Mental Capacity Act 2005

53.—(1) The Mental Capacity Act 2005(1) is amended as follows.

(2) In section 10(2) (appointment of donees) after “bankrupt” insert “or is a person in relation to whom a debt relief order is made”.

(3) In section 13 (revocation of lasting power of attorney)—

- (a) in subsection (3) after “bankruptcy” insert “, or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of P,”;
- (b) in subsection (4) after “in respect of him” insert “or where P is subject to an interim debt relief restrictions order (under Schedule 4ZB of the Insolvency Act 1986)”;
- (c) in subsection (6)(b) after “donee” where it first appears insert “or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of the donee”;
- (d) in subsection (8) after “donee” insert “or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of a donee”;
- (e) in subsection (9) after “him” insert “or where the donee is subject to an interim debt relief restrictions order (under Schedule 4ZB of the Insolvency Act 1986),”.

(4) In section 64 (interpretation)—

(a) after subsection (3) insert—

“(3A) In this Act references to a debt relief order (under Part 7A of the Insolvency Act 1986) being made in relation to an individual include a case where a debt relief restrictions order under the Insolvency Act 1986 has effect in respect of him.”;

(b) after subsection (4) insert—

“(4A) “Debt relief restrictions order” includes an interim debt relief restrictions order.”.

(5) In paragraph 17(1)(a) of Schedule 1 (lasting powers of attorney: formalities) after “bankruptcy” insert “or a debt relief order (under Part 7A of the Insolvency Act 1986) having been made in respect of the donor”.

(6) In Schedule 4 (provisions applying to existing enduring powers of attorney)—

- (a) in paragraph 2(5)(a) after “bankrupt” insert “or is not subject to a debt relief order (under Part 7A of the Insolvency Act 1986)”;
- (b) in paragraph 2(7) after “attorney” insert “or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of the donor or attorney”;
- (c) in paragraph 2(8) after “him” insert “or where the donor or attorney is subject to an interim debt relief restrictions order”;
- (d) in paragraph 17(b) after “attorney” where it first appears insert “or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of the donor or attorney”;
- (e) in paragraph 22—

(i) after sub-paragraph (1) insert—

“(1A) In paragraph 2(7), the reference to the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of the attorney is to be read as a reference to the making of a debt relief order in respect of the last remaining attorney

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under the power; and the making of a debt relief order in respect of any other attorney under the power causes that person to cease to be an attorney under the power.”;

(ii) after sub-paragraph (2) insert—

“(2A) In paragraph 2(8), the reference to the suspension of the power is to be read as a reference to its suspension in so far as it relates to the attorney in respect of whom the interim debt relief restrictions order has effect.”.

Commencement Information

II Sch. 2 para. 53 in force at 1.10.2012, see [art. 1](#)

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