



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Lasting powers of attorney

9 Lasting powers of attorney

- (1) A lasting power of attorney is a power of attorney under which the donor (“P”) confers on the donee (or donees) authority to make decisions about all or any of the following—
- (a) P's personal welfare or specified matters concerning P's personal welfare, and
 - (b) P's property and affairs or specified matters concerning P's property and affairs,
- and which includes authority to make such decisions in circumstances where P no longer has capacity.
- (2) A lasting power of attorney is not created unless—
- (a) section 10 is complied with,
 - (b) an instrument conferring authority of the kind mentioned in subsection (1) is made and registered in accordance with Schedule 1, and
 - (c) at the time when P executes the instrument, P has reached 18 and has capacity to execute it.
- (3) An instrument which—
- (a) purports to create a lasting power of attorney, but
 - (b) does not comply with this section, section 10 or Schedule 1,
- confers no authority.
- (4) The authority conferred by a lasting power of attorney is subject to—
- (a) the provisions of this Act and, in particular, sections 1 (the principles) and 4 (best interests), and

Status: Point in time view as at 01/10/2007. This version of this provision has been superseded.

Changes to legislation: *Mental Capacity Act 2005, Section 9 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) any conditions or restrictions specified in the instrument.

Status:

Point in time view as at 01/10/2007. This version of this provision has been superseded.

Changes to legislation:

Mental Capacity Act 2005, Section 9 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.