

Status: Point in time view as at 07/02/2023.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Applications and procedure for registration. (See end of Document for details)

SCHEDULES

SCHEDULE 1

LASTING POWERS OF ATTORNEY: FORMALITIES

PART 2

REGISTRATION

Applications and procedure for registration

- 4 (1) An application to the Public Guardian for the registration of an instrument intended to create a lasting power of attorney—
- (a) must be made in the prescribed form, and
 - (b) must include any prescribed information.
- (2) The application may be made—
- (a) by the donor,
 - (b) by the donee or donees, or
 - (c) if the instrument appoints two or more donees to act jointly and severally in respect of any matter, by any of the donees.
- (3) The application must be accompanied by—
- (a) the instrument, and
 - (b) any fee provided for under section 58(4)(b).
- (4) A person who, in an application for registration, makes a statement which he knows to be false in a material particular is guilty of an offence and is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court] or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

Textual Amendments

- F1** Words in [Sch. 1 para. 4\(4\)\(a\)](#) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

- 5 Subject to paragraphs 11 to 14, the Public Guardian must register the instrument as a lasting power of attorney at the end of the prescribed period.

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