
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 6. (See end of Document for details)

SCHEDULES

SCHEDULE 4

PROVISIONS APPLYING TO EXISTING ENDURING POWERS OF ATTORNEY

PART 3

NOTIFICATION PRIOR TO REGISTRATION

Duty to give notice to relatives

- 6 (1) Subject to sub-paragraphs (2) to (4), persons of the following classes (“relatives”) are entitled to receive notice under paragraph 5—
- (a) the donor's spouse or civil partner,
 - (b) the donor's children,
 - (c) the donor's parents,
 - (d) the donor's brothers and sisters, whether of the whole or half blood,
 - (e) the widow, widower or surviving civil partner of a child of the donor,
 - (f) the donor's grandchildren,
 - (g) the children of the donor's brothers and sisters of the whole blood,
 - (h) the children of the donor's brothers and sisters of the half blood,
 - (i) the donor's uncles and aunts of the whole blood,
 - (j) the children of the donor's uncles and aunts of the whole blood.
- (2) A person is not entitled to receive notice under paragraph 5 if—
- (a) his name or address is not known to the attorney and cannot be reasonably ascertained by him, or
 - (b) the attorney has reason to believe that he has not reached 18 or is mentally incapable.
- (3) Except where sub-paragraph (4) applies—
- (a) no more than 3 persons are entitled to receive notice under paragraph 5, and
 - (b) in determining the persons who are so entitled, persons falling within the class in sub-paragraph (1)(a) are to be preferred to persons falling within the class in sub-paragraph (1)(b), those falling within the class in sub-paragraph (1)(b) are to be preferred to those falling within the class in sub-paragraph (1)(c), and so on.
- (4) Despite the limit of 3 specified in sub-paragraph (3), where—
- (a) there is more than one person falling within any of classes (a) to (j) of sub-paragraph (1), and
 - (b) at least one of those persons would be entitled to receive notice under paragraph 5,

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then, subject to sub-paragraph (2), all the persons falling within that class are entitled to receive notice under paragraph 5.

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