
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 42. (See end of Document for details)

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

Trusts of Land and Appointment of Trustees Act 1996 (c. 47)

- 42 (1) The Trusts of Land and Appointment of Trustees Act 1996 (c. 47) is amended as follows.
- (2) In section 9 (delegation by trustees), in subsection (6), for the words from “an enduring power” to the end substitute “ an enduring power of attorney or lasting power of attorney within the meaning of the Mental Capacity Act 2005 ”.
- (3) In section 20 (the title to which becomes “ Appointment of substitute for trustee who lacks capacity ”)—
- (a) in subsection (1)(a), for “is incapable by reason of mental disorder of exercising” substitute “ lacks capacity (within the meaning of the Mental Capacity Act 2005) to exercise ”, and
 - (b) in subsection (2)—
 - (i) for paragraph (a) substitute—

“(a) a deputy appointed for the trustee by the Court of Protection,”,
 - (ii) in paragraph (b), for the words from “a power of attorney” to the end substitute “ an enduring power of attorney or lasting power of attorney registered under the Mental Capacity Act 2005 ”, and
 - (iii) in paragraph (c), for the words from “the authority” to the end substitute “ the Court of Protection ”.

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 42.