



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Powers of the court in relation to lasting powers of attorney

23 Powers of court in relation to operation of lasting powers of attorney

- (1) The court may determine any question as to the meaning or effect of a lasting power of attorney or an instrument purporting to create one.
- (2) The court may—
 - (a) give directions with respect to decisions—
 - (i) which the donee of a lasting power of attorney has authority to make, and
 - (ii) which P lacks capacity to make;
 - (b) give any consent or authorisation to act which the donee would have to obtain from P if P had capacity to give it.
- (3) The court may, if P lacks capacity to do so—
 - (a) give directions to the donee with respect to the rendering by him of reports or accounts and the production of records kept by him for that purpose;
 - (b) require the donee to supply information or produce documents or things in his possession as donee;
 - (c) give directions with respect to the remuneration or expenses of the donee;
 - (d) relieve the donee wholly or partly from any liability which he has or may have incurred on account of a breach of his duties as donee.
- (4) The court may authorise the making of gifts which are not within section 12(2) (permitted gifts).
- (5) Where two or more donees are appointed under a lasting power of attorney, this section applies as if references to the donee were to all or any of them.

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 23.