



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Lasting powers of attorney

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- (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Status: This is the original version (as it was originally enacted).

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