



# Guardianship (Missing Persons) Act 2017

## 2017 CHAPTER 27

### *Missing person's best interests*

#### **18 Missing person's best interests**

- (1) In determining for the purposes of this Act what is in a missing person's best interests, the court or a guardian—
  - (a) must consider all the relevant circumstances of which the court or guardian is aware, and
  - (b) must, among other things, take the steps described in subsections (2) to (4).
- (2) The court or guardian must consider, so far as is reasonably ascertainable—
  - (a) any relevant wishes and feelings expressed by the missing person at any time, including any relevant written statement made by the missing person,
  - (b) the beliefs and values that would be likely to influence the missing person, and
  - (c) any other factors that the missing person would be likely to consider.
- (3) The court or guardian must take into account the views of any persons of whom the court or guardian (as appropriate) is aware with a relevant interest in relation to the missing person's property or financial affairs, where it is reasonably practicable and appropriate to do so.
- (4) The court or guardian must consider the consequences of taking a proposed action.
- (5) Nothing in this Act requires the court or a guardian—
  - (a) to decide a matter by reference to the decision the missing person is likely to have taken in relation to the matter, or
  - (b) to consider any question as to whether or when the missing person might cease to be missing.
- (6) The Secretary of State may by regulations made by statutory instrument provide that, for the purposes of this Act, doing something specified or described in the regulations, or doing it in circumstances specified or described in the regulations, is or is not to be treated as being in a missing person's best interests.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Regulations under this section may—
  - (a) make different provision for different purposes, and
  - (b) include transitional, transitory or saving provision.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.