Guardianship (Missing Persons) Act 2017

2017 CHAPTER 27

Variation and revocation of guardianship orders

15 Protection following variation or revocation

(1) Where a guardian acts within the scope of the authority conferred by the guardianship order and this Act at a time when—

(a) the guardianship order has been revoked under section 14, but

(b) the guardian does not know that,

the guardian does not incur any personal liability (either to the missing person or any other person) because of the revocation.

(2) Where a person deals with a guardian at a time when—

(a) the guardianship order has been varied or revoked, but

(b) the person does not know that,

the transaction between them is, in favour of that person, as valid as if the guardianship order had not been varied or revoked.

(3) Where the interest of a purchaser depends on whether a transaction between a guardian and another person was valid by virtue of subsection (2), it is to be conclusively presumed in favour of the purchaser that the other person did not at the material time know of the variation or revocation of the guardianship order if—

(a) the transaction between the guardian and the other person was completed within the period of 12 months beginning with the day on which the guardianship order was made, or

(b) before the completion of the purchase, or within the period of 3 months beginning with the day of its completion, the other person makes a statutory declaration that the person did not at the material time know of the variation or revocation of the guardianship order.

(4) For the purposes of this section—

(a) knowledge that a guardianship order has been revoked includes knowledge of the occurrence of an event which caused it to be revoked under section 14, and

(b) "purchaser" and "purchase" have the meaning given in section 205(1) of the Law of Property Act 1925.