

*These notes refer to the Mental Capacity Act 2005
(c.9) which received Royal Assent on 7 April 2005*

MENTAL CAPACITY ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Persons Who Lack Capacity

Lasting powers of attorney

Section 13: Revocation of lasting powers of attorney

60. This deals with the ways in which LPAs may cease to be effective, whether before or after registration. A donor may revoke an LPA at any time while he has capacity to do so (*subsection (2)*). Other events will automatically terminate an LPA.
61. The bankruptcy of either the donor or the attorney will terminate any financial powers granted. *Section 64(3)* provides that all references to the bankruptcy of an individual include a case where a bankruptcy restrictions order is in force in respect of him. Bankruptcy restrictions orders are provided for in Schedule 4A to the Insolvency Act 1986. Interim bankruptcy restrictions orders do not bring a power of attorney to an end; they just have a suspensive effect (*subsections (4) and (9)*).
62. An LPA also comes to an end if the donee disclaims, dies or loses capacity. The dissolution or annulment of a marriage or civil partnership between the donee and the donor will terminate the donee's powers unless the donor has specified that it should not (*subsection (11)*).
63. *Subsections (7) and (10)* provide for situations where there is a replacement or a "joint and several" attorney (in respect of any matter) who can continue to act.