
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Effect and proof of registration. (See end of Document for details)

SCHEDULES

SCHEDULE 4

PROVISIONS APPLYING TO EXISTING ENDURING POWERS OF ATTORNEY

PART 5

LEGAL POSITION AFTER REGISTRATION

Effect and proof of registration

- 15 (1) The effect of the registration of an instrument under paragraph 13 is that—
- (a) no revocation of the power by the donor is valid unless and until the court confirms the revocation under paragraph 16(3);
 - (b) no disclaimer of the power is valid unless and until the attorney gives notice of it to the Public Guardian;
 - (c) the donor may not extend or restrict the scope of the authority conferred by the instrument and no instruction or consent given by him after registration, in the case of a consent, confers any right and, in the case of an instruction, imposes or confers any obligation or right on or creates any liability of the attorney or other persons having notice of the instruction or consent.
- (2) Sub-paragraph (1) applies for so long as the instrument is registered under paragraph 13 whether or not the donor is for the time being mentally incapable.
- (3) A document purporting to be an office copy of an instrument registered under this Schedule is, in any part of the United Kingdom, evidence of—
- (a) the contents of the instrument, and
 - (b) the fact that it has been so registered.
- (4) Sub-paragraph (3) is without prejudice to section 3 of the Powers of Attorney Act 1971 (c. 27) (proof by certified copies) and to any other method of proof authorised by law.

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