



# Guardianship (Missing Persons) Act 2017

## 2017 CHAPTER 27

### *General*

#### **23 The court**

- (1) The Lord Chancellor must by regulations made by statutory instrument designate the High Court or the Court of Protection to have the functions of the court under this Act.
- (2) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.
- (3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under this section.
- (4) Regulations under this section may include transitional, transitory or saving provision.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **24 Interpretation**

- (1) In this Act—
  - “the absence condition” has the meaning given in section 3;
  - “the court” means the court for the time being designated by the Lord Chancellor under section 23;
  - “guardian” means a person appointed as a guardian under this Act;
  - “guardianship order” has the meaning given in section 2;
  - “missing”, in relation to a person, has the meaning given in section 1 (and see subsection (2));
  - “the missing person” means—
    - (a) in relation to an application or order under this Act, the missing person whose property or financial affairs are or would be the subject of the application or order, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in relation to a guardian, the missing person in respect of whose property or financial affairs the guardian is appointed,
- (and see subsection (2));
- “personal representative”, in relation to a person who has died, means—
    - (a) a person responsible for administering the person’s estate under the law of England and Wales, or
    - (b) a person who, under the law of another country or territory, has functions equivalent to those of administering the person’s estate under the law of England and Wales;
  - “property” includes any thing in action and any interest in real or personal property;
  - “sibling” means a sibling of the full blood or the half blood;
  - “the urgency condition” has the meaning given in section 3;
  - “will” includes codicil.
- (2) References in the following provisions to a missing person include a person whose property or financial affairs are or were the subject of a guardianship order but who is no longer missing—
- (a) sections 8, 9, 11, 14(1), 15(1) and 18, and
  - (b) sections 19 and 21, so far as they apply to applications or proceedings in connection with such a person.
- (3) References in this Act to action by a guardian (however expressed) include inaction.

## **25 Extent, commencement and short title**

- (1) This Act extends to England and Wales only.
- (2) The following come into force on the day on which this Act is passed—
  - (a) section 16(5) to (7),
  - (b) section 17, so far as it confers power to make regulations,
  - (c) section 18(6) to (8), and
  - (d) section 24 and this section.
- (3) Subject to subsection (2), the provisions of this Act come into force on such day as the Secretary of State may appoint by regulations made by statutory instrument.
- (4) Regulations under this section may—
  - (a) appoint different days for different purposes, and
  - (b) include transitional, transitory or saving provision.
- (5) This Act may be cited as the Guardianship (Missing Persons) Act 2017.