



Guardianship (Missing Persons) Act 2017

2017 CHAPTER 27

Missing persons

1 Missing persons

- (1) For the purposes of this Act, a person is “missing” if—
 - (a) the person is absent from his or her usual place of residence,
 - (b) the person is absent from his or her usual day-to-day activities, and
 - (c) the first or second condition is met.
- (2) The first condition is met if the person’s whereabouts—
 - (a) are not known at all, or
 - (b) are not known with sufficient precision to enable the person to be contacted for the purposes of decisions relating to his or her property and financial affairs.
- (3) The second condition is met if—
 - (a) the person is unable to make decisions relating to his or her property and financial affairs or to communicate such decisions with a view to their implementation (or both), and
 - (b) the reason for that is something beyond the person’s control, other than illness, injury or lack of capacity in relation to a matter (within the meaning of the Mental Capacity Act 2005).
- (4) A person who is detained, whether in a prison or another place, is to be treated for the purposes of this Act as absent from his or her usual place of residence and usual day-to-day activities.