STATUTORY INSTRUMENTS

2005 No. 3126

POWERS OF ATTORNEY, ENGLAND AND WALES MENTAL HEALTH, ENGLAND AND WALES

The Court of Protection (Enduring Powers of Attorney) (Amendment No. 2) Rules 2005

Made - - - - 8th November 2005
Laid before Parliament 10th November 2005
Coming into force - - 5th December 2005

The Lord Chancellor makes the following Rules in exercise of the powers conferred by sections 106 and 108 of the Mental Health Act 1983(1):

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Court of Protection (Enduring Powers of Attorney) (Amendment No. 2) Rules 2005 and shall come into force on 5th December 2005.
- (2) In these Rules a reference to a rule or Schedule by number alone is a reference to the rule or Schedule so numbered in the Court of Protection (Enduring Powers of Attorney) Rules 2001(2).

Amendment to Court of Protection (Enduring Powers of Attorney) Rules 2001

2. In Schedule 1, for Form EP2 substitute the form set out in the Schedule to these Rules.

Transitional provisions

3. In relation to an application to register an enduring power of attorney which is received by the court on or after 5th December 2005, but before 1st April 2007 the reference in rule 7 to Form EP2 shall be treated as including a form which would have satisfied the requirements of Form EP2 if these Rules had not been made.

^{(1) 1983} c. 20

⁽²⁾ S.I. 2001/825 as amended by S.I. 2002/832, S.I. 2002/1944 and S.I. 2005/668.

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Signed by authority of the Lord Chancellor

8th November 2005

Cathy Ashton
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

SCHEDULE

Rule 2

Form EP2

Court of Protection Enduring Powers of Attorney Act 1985 Form EP2 Application for Registration

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Court of Protection (Enduring Powers of Attorney) Rules 2001 (S.I.2001/825) so as to substitute a new version of Form EP2, the form prescribed for an application to the court to register an enduring power of attorney. The new version of Form EP2 adds the relationship of civil partner to the parts of the form where the attorneys are required to specify their relationship to the donor. Rule 3 allows applications to be made in the Form EP2 substituted by these Rules until 1st April 2007.