

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 1 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

PROSPECTIVE

### SCHEDULE 4

Lasting powers of attorney: formalities

#### **Part 1**

Making instruments

##### *General requirements as to making instruments*

- 1.—(1) An instrument is made in accordance with this Schedule only if—
- (a) it is in a form specified by regulations or by the Public Guardian in accordance with regulations;
  - (b) it complies with paragraph 2; and
  - (c) any prescribed requirements in connection with its execution are met.
- (2) Regulations may make different provision according to whether the instrument relates to—
- (a) care, treatment and personal welfare (or any of those matters); or
  - (b) property and affairs; or
  - (c) matters within both head (a) and head (b).
- (3) Regulations may also make different provision according to whether only one or more than one attorney or replacement attorney is to be appointed (and if more than one, whether jointly or jointly and severally).
- (4) In this Schedule—
- (a) “intended attorney”, in relation to an instrument, means a person who if the instrument were registered and a lasting power of attorney were created would be an attorney under the lasting power;
  - (b) “replacement attorney” means a person appointed under section 103(1) (b) to replace a person appointed as an attorney.

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(5) In paragraphs 7, 14, 15, 17 and 26, references to a person appointed as an attorney or replacement attorney do not include a person whose appointment has terminated.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)