

SCHEDULES

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.
- (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.