

## SCHEDULES

### SCHEDULE 4

#### Lasting powers of attorney: formalities

#### Part 2

#### Registration

##### *Instrument containing ineffective provision*

**11.**—(1) Sub-paragraph (2) applies if it appears to the Public Guardian that an instrument accompanying an application under paragraph 4 contains a provision which—

- (a) would be ineffective as part of a lasting power of attorney; or
- (b) would prevent the instrument from operating as a valid lasting power of attorney.

(2) The Public Guardian—

- (a) must apply to the court for it to determine the matter under section 111(1); and
- (b) pending the determination by the court, must not register the instrument.

(3) Sub-paragraph (4) applies if the court determines under section 111(1) (whether or not on an application by the Public Guardian) that an instrument executed with a view to creating a lasting power of attorney contains a provision which—

- (a) would be ineffective as part of a lasting power of attorney; or
- (b) would prevent the instrument from operating as a valid lasting power of attorney.

(4) The court must—

- (a) notify the Public Guardian that it has severed the provision; or
- (b) direct the Public Guardian not to register the instrument.

(5) Where the court notifies the Public Guardian that it has severed a provision, the Public Guardian must register the instrument with a note to that effect attached to it.