S C H E D U L E S

SCHEDULE 4

Lasting powers of attorney: formalities

Part 3

Cancellation of registration and notification of severance

Cancellation of registration by Public Guardian following revocation

17. The Public Guardian must cancel the registration of an instrument as a lasting power of attorney on being satisfied that the power has been revoked or has otherwise come to an end.

Court to require Public Guardian to cancel registration in certain cases

18. The court must direct the Public Guardian to cancel the registration of an instrument as a lasting power of attorney if it—

(a) determines under section 110(2)(a) that a requirement for creating the lasting power of attorney was not met;

(b) determines under section 110(2)(b) that the lasting power of attorney has been revoked or has otherwise come to an end; or

(c) revokes the lasting power of attorney under section 110(4)(b) (fraud etc).

Notification by court of ineffective provision etc in instrument

19.—(1) Sub-paragraph (2) applies if the court determines under section 111(1) that a lasting power of attorney contains a provision which—

(a) is ineffective as part of a lasting power of attorney; or

(b) prevents the instrument from operating as a valid lasting power of attorney.

(2) The court must—

(a) notify the Public Guardian that it has severed the provision; or

(b) direct the Public Guardian to cancel the registration of the instrument as a lasting power of attorney.

Notification on cancellation

20. If the Public Guardian cancels the registration of an instrument as a lasting power of attorney, the Public Guardian must notify—

    (a) the donor;

    (b) each person appointed as attorney; and

    (c) each person (if any) appointed as replacement attorney.

Delivery up of instrument on cancellation

21. On the cancellation of the registration of an instrument, the instrument and any office copies of it must be delivered up to the Public Guardian to be cancelled.