

Draft Regulations laid before Parliament under section 180(7) of the Anti-social Behaviour, Crime and Policing Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No.

MENTAL CAPACITY, ENGLAND AND WALES

**The Public Guardian (Fees, etc.)
(Amendment) Regulations 2017**

Made - - - - *****

Coming into force in accordance with regulation 1

The Lord Chancellor, with the consent of the Treasury, in exercise of the powers conferred by section 58(3)(b) and (4)(b) of the Mental Capacity Act 2005⁽¹⁾, and section 180(1) of the Anti-social Behaviour, Crime and Policing Act 2014⁽²⁾ makes the following Regulations:

A draft of this instrument has been laid before Parliament in accordance with section 180(7) of the Anti-social Behaviour, Crime and Policing Act 2014 and approved by resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Public Guardian (Fees, etc.) (Amendment) Regulations 2017 and come into force on 1st April 2017 or, if made after that date, on the day after the date on which they are made.

Application

2. Regulation 3 applies where the application to which the fee due under the Public Guardian (Fees, etc.) Regulations 2007⁽³⁾ (“the 2007 Regulations”) relates is made on or after the date on which these Regulations come into force.

Amendments to the 2007 Regulations

3. In the 2007 Regulations, in the Schedule (fees to be taken)⁽⁴⁾—

(1) 2005 c. 9.

(2) 2014 c. 12.

(3) S.I. 2007/2051.

(4) Relevant amending instruments are S.I. 2009/514, 2011/2189 and 2013/1748.

- (a) in the entry for “Fee for application to register an enduring power of attorney (regulation 4)”, for the amount in column 2 substitute “£82”;
- (b) in the entry for “Fee for application to register a lasting power of attorney (regulation 5)”, for the amount in column 2 substitute “£82”, and
- (c) in the entry for “Reduced fee for repeat application to register a lasting power of attorney (regulation 5)”, for the amount in column 2 substitute “£41”.

Date *Name*
Parliamentary Under-Secretary of State
Ministry of Justice

We consent

Date *Names*
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Guardian (Fees, etc.) Regulations 2007 ([S.I. 2007/2051](#)) by amending the Schedule (fees to be taken) to change the fee for an application to register an enduring, or a lasting, power of attorney from £110 to £82, and to change the fee for a repeat application to register a lasting power of attorney from £55 to £41.

A full impact assessment has been prepared for this instrument and can be found at www.legislation.gov.uk or obtained from the Policy Manager, Family Justice Policy – Mental Capacity, Access to Justice Directorate, Ministry of Justice, 102 Petty France, London, SW1H 9AJ.