

Status: Point in time view as at 01/04/2008.

Changes to legislation: Mental Capacity Act 2005, Paragraph 13 is up to date with all changes known to be in force on or before 30 May 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)

SCHEDULE 1

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LASTING POWERS OF ATTORNEY: FORMALITIES

PART 2

REGISTRATION

Objection by donee or named person

- 13 (1) Sub-paragraph (2) applies if a donee or a named person—
- (a) receives a notice under paragraph 6, 7 or 8 of an application for the registration of an instrument, and
 - (b) before the end of the prescribed period, gives notice to the Public Guardian of an objection to the registration on the ground that an event mentioned in section 13(3) or (6)(a) to (d) has occurred which has revoked the instrument.
- (2) If the Public Guardian is satisfied that the ground for making the objection is established, he must not register the instrument unless the court, on the application of the person applying for the registration—
- (a) is satisfied that the ground is not established, and
 - (b) directs the Public Guardian to register the instrument.
- (3) Sub-paragraph (4) applies if a donee or a named person—
- (a) receives a notice under paragraph 6, 7 or 8 of an application for the registration of an instrument, and
 - (b) before the end of the prescribed period—
 - (i) makes an application to the court objecting to the registration on a prescribed ground, and
 - (ii) notifies the Public Guardian of the application.
- (4) The Public Guardian must not register the instrument unless the court directs him to do so.

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