



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1 **E+W**

PERSONS WHO LACK CAPACITY

Lasting powers of attorney

13 **Revocation of lasting powers of attorney etc.** **E+W**

- (1) This section applies if—
 - (a) P has executed an instrument with a view to creating a lasting power of attorney, or
 - (b) a lasting power of attorney is registered as having been conferred by P, and in this section references to revoking the power include revoking the instrument.
- (2) P may, at any time when he has capacity to do so, revoke the power.
- (3) P's bankruptcy^[F1], or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of P,] revokes the power so far as it relates to P's property and affairs.
- (4) But where P is bankrupt merely because an interim bankruptcy restrictions order has effect in respect of him^[F2] or where P is subject to an interim debt relief restrictions order (under Schedule 4ZB of the Insolvency Act 1986)], the power is suspended, so far as it relates to P's property and affairs, for so long as the order has effect.
- (5) The occurrence in relation to a donee of an event mentioned in subsection (6)—
 - (a) terminates his appointment, and
 - (b) except in the cases given in subsection (7), revokes the power.
- (6) The events are—
 - (a) the disclaimer of the appointment by the donee in accordance with such requirements as may be prescribed for the purposes of this section in regulations made by the Lord Chancellor,

Status: Point in time view as at 01/10/2012.

Changes to legislation: Mental Capacity Act 2005, Section 13 is up to date with all changes known to be in force on or before 28 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)

- (b) subject to subsections (8) and (9), the death or bankruptcy of the donee^{F3} or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of the donee] or, if the donee is a trust corporation, its winding-up or dissolution,
 - (c) subject to subsection (11), the dissolution or annulment of a marriage or civil partnership between the donor and the donee,
 - (d) the lack of capacity of the donee.
- (7) The cases are—
- (a) the donee is replaced under the terms of the instrument,
 - (b) he is one of two or more persons appointed to act as donees jointly and severally in respect of any matter and, after the event, there is at least one remaining donee.
- (8) The bankruptcy of a donee^{F4} or the making of a debt relief order (under Part 7A of the Insolvency Act 1986) in respect of a donee] does not terminate his appointment, or revoke the power, in so far as his authority relates to P's personal welfare.
- (9) Where the donee is bankrupt merely because an interim bankruptcy restrictions order has effect in respect of him^{F5} or where the donee is subject to an interim debt relief restrictions order (under Schedule 4ZB of the Insolvency Act 1986), his appointment and the power are suspended, so far as they relate to P's property and affairs, for so long as the order has effect.
- (10) Where the donee is one of two or more appointed to act jointly and severally under the power in respect of any matter, the reference in subsection (9) to the suspension of the power is to its suspension in so far as it relates to that donee.
- (11) The dissolution or annulment of a marriage or civil partnership does not terminate the appointment of a donee, or revoke the power, if the instrument provided that it was not to do so.

Textual Amendments

- F1** Words in s. 13(3) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 53(3)(a)** (with art. 5)
- F2** Words in s. 13(4) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 53(3)(b)** (with arts. 5, 6)
- F3** Words in s. 13(6)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 53(3)(c)** (with art. 5)
- F4** Words in s. 13(8) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 53(3)(d)** (with art. 5)
- F5** Words in s. 13(9) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 53(3)(e)** (with arts. 5, 6)

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