

*These notes refer to the Mental Capacity Act 2005  
(c.9) which received Royal Assent on 7 April 2005*

# MENTAL CAPACITY ACT 2005

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Persons Who Lack Capacity**

##### **Powers of the court in relation to lasting powers of attorney**

##### *Section 22: Powers of court in relation to validity of lasting powers of attorney*

80. This section and *section 23* set out what the Court of Protection can do in relation to LPAs. The powers are similar to those in section 8 of the Enduring Powers of Attorney Act 1985, except that administrative functions connected with registration will be performed by the Public Guardian.
81. The court can determine questions about validity and revocation (*subsection (2)*). It can direct that an instrument should not be registered or (if it is unregistered) revoke it on the grounds set out in *subsection (3)* (fraud or undue pressure, or misbehaviour by the attorney).
82. *Subsection (5)* provides that where there is more than one donee the court may revoke the instrument or the LPA so far as it relates to any of them.