

## SCHEDULE

## Section 16

### APPOINTMENT OF TWO OR MORE GUARDIANS

#### *Powers of court when appointing two or more guardians*

- 1 (1) This paragraph applies where, when making or varying a guardianship order, the court appoints two or more guardians in respect of some or all of a missing person's property and financial affairs, whether by appointing them at the same time or at different times.
- (2) The court must—
  - (a) provide for the guardians to act jointly in relation to the property or financial affairs,
  - (b) provide for each guardian to have sole responsibility in relation to different parts of the missing person's property and financial affairs, or
  - (c) provide for a combination of joint and sole responsibilities.
- (3) For the purposes of sub-paragraph (2)(c), the court provides for a combination of joint and sole responsibilities if it provides—
  - (a) for the guardians to act jointly in relation to parts of the missing person's property and financial affairs, and
  - (b) for one or more of the guardians to have sole responsibility in relation to other parts of the missing person's property and financial affairs.
- (4) The court may make different provision in relation to different guardians so far as it provides for them to have sole responsibility in relation to different parts of the missing person's property and financial affairs, including provision imposing different conditions and restrictions.
- (5) The court may provide that different guardians are appointed for different periods.

#### *Power of court to remove guardians*

- 2 (1) This paragraph applies where a guardianship order appoints two or more guardians.
- (2) The court's powers under section 12 to vary the order include a power to remove one or more of the guardians without appointing a replacement (but not to remove all of the guardians without replacing any of them).

#### *Guardians appointed to act jointly*

- 3 (1) This paragraph applies where a guardianship order appoints two or more guardians to act jointly in relation to property or financial affairs.
- (2) The guardians must act unanimously in relation to the property or financial affairs.
- (3) A condition or restriction imposed by the court in respect of the property or financial affairs applies to each of the guardians.
- (4) A direction given by the court under section 10 in respect of the property or financial affairs applies to each of the guardians.

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*Status: This is the original version (as it was originally enacted).*

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*Death of a guardian*

- 4 (1) This paragraph applies where—
- (a) a guardianship order appoints two or more guardians, and
  - (b) one of the guardians dies.
- (2) The order is not revoked under section 14(1)(c) on the guardian's death unless—
- (a) no other guardian appointed under the order remains alive, or
  - (b) the only other guardian remaining alive is appointed only to act jointly with the deceased guardian.
- (3) If, by virtue of this paragraph, the order is not revoked on the guardian's death, a guardian appointed under the order who remains alive must apply to the court for the variation or revocation of the order as soon as reasonably practicable after becoming aware of the death.

*Expiry of period of appointment of a guardian*

- 5 (1) This paragraph applies where—
- (a) a guardianship order appoints two or more guardians, and
  - (b) a guardian's period of appointment expires.
- (2) The order is not revoked under section 14(1)(d) if the period of appointment of another guardian appointed under the order has not expired.
- (3) But section 15(2) applies in relation to a person who deals with the guardian mentioned in sub-paragraph (1)(b) after that guardian's period of appointment expires as if the guardianship order had been revoked under section 14(1)(d) on the expiry of that period.