## 2002 No. 1944

# POWERS OF ATTORNEY, ENGLAND AND WALES MENTAL HEALTH, ENGLAND AND WALES

The Court of Protection (Enduring Powers of Attorney) (Amendment No. 2) Rules 2002

Made	23rd July 2002
Laid before Parliament	26th July 2002
Coming into force	31st August 2002

The Lord Chancellor, in exercise of the powers conferred upon him by sections 106 and 108 of the Mental Health Act 1983(**a**), makes the following Rules:

#### Citation, commencement and interpretation

**1.**—(1) These Rules may be cited as the Court of Protection (Enduring Powers of Attorney) (Amendment No. 2) Rules 2002 and shall come into force on 31st August 2002.

(2) In these Rules references to a rule by number alone mean the rule so numbered in, and references to a Schedule by number alone mean the Schedule so numbered to, the Court of Protection (Enduring Powers of Attorney) Rules 2001(b).

#### Amendments to Court of Protection (Enduring Powers of Attorney) Rules 2001

2. For rule 3(2)(c) there shall be substituted—

- "(c) a form referred to by a letter alone means—
  - (i) the form so designated in Schedule 1 ("the core form"); or
  - (ii) a form published by the court which differs in immaterial respects, in wording or layout (or both), from the core form; or
  - (iii) a form to the same effect as the core form or as a form satisfying sub-paragraph
     (ii) above with such variations as circumstances may require and the court may approve; or
  - (iv) a Welsh translation of the core form or of a form satisfying sub-paragraph (ii) or (iii) above.".

3. In Schedule 1, for Form EP2 there shall be substituted the form set out in the Schedule to these Rules.

<sup>(</sup>a) 1983 c. 20.

<sup>(</sup>b) S.I. 2001/825; there are no relevant amending instruments.

#### **Transitional provisions**

4. In relation to an application to register an enduring power of attorney which is received by the court on or after 31st August 2002 but before 28th February 2003 the reference in rule 7 to Form EP2 shall be treated as including a form which would have satisfied the requirements of Form EP2 if these Rules had not been made.

23rd July 2002

Irvine of Lairg, C

## SCHEDULE

### NEW FORM EP2

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## Form EP2

#### Court of Protection Enduring Powers of Attorney Act 1985



## Application for Registration

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Page 3 of 6																			
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Page 4 of 6 The date is the date th	P hat the donor signed the	art Five - The Enduring									
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Page 5 of 6 Part Seven - Notice of Applies f there are additional relatives please complete the Relative Name, R nformation' section (at the end of this form). Name Relationship to Donor Address Part Eight - Notice of Applie Oo not complete this section if it does not apply. If there are addition Relationship, Address and Date details in the 'Additional Informatio Yes No re all the attorneys applying to register? O	Relationshi					'Add	lition	al	
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#### Part Twelve - Additional Information

Please write down any additional information to support this application in the space below. If necessary attach additional paper to the end of this form.

#### **EXPLANATORY NOTE**

### (This note is not part of the Rules)

These rules amend the Court of Protection (Enduring Powers of Attorney) Rules 2001 (S.I. 2001/825) so as to substitute a new version of Form EP2, the form prescribed for an application to the court to register an enduring power of attorney. They also permit the court to publish versions containing immaterial variations from those set out in Schedule 1 to the 2001 Rules.

# 2002 No. 1944

# POWERS OF ATTORNEY, ENGLAND AND WALES MENTAL HEALTH, ENGLAND AND WALES

The Court of Protection (Enduring Powers of Attorney) (Amendment No. 2) Rules 2002

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