
STATUTORY INSTRUMENTS

2007 No. 1253

The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007

PART 1

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007.

(2) These Regulations shall come into force on 1 October 2007.

Interpretation

2.—(1) In these Regulations—

[^{F1}“the 2017 Act” means the Guardianship (Missing Persons) Act 2017;]

“the Act” means the Mental Capacity Act 2005;

“court” means the Court of Protection [^{F2}or in relation to proceedings under the 2017 Act the court for the time being designated by the Lord Chancellor under section 23 of the 2017 Act];

[^{F3}“guardian” has the meaning given in the 2017 Act;

“guardianship order” has the meaning given in the 2017 Act;]

“LPA certificate”, in relation to an instrument made with a view to creating a lasting power of attorney, means the certificate which is required to be included in the instrument by virtue of paragraph 2(1)(e) of Schedule 1 to the Act;

“[^{F4}person to notify]”, in relation to an instrument made with a view to creating a lasting power of attorney, means a person who [^{F5}under Schedule 1, paragraph 2(1)(c)(i) of the Act,] is named in the instrument as being a person to be notified of any application for the registration of the instrument;

“prescribed information”, in relation to any instrument intended to create a lasting power of attorney, means the information contained in the form used for the instrument which appears under the heading [^{F6}“Section 8 – Your legal rights and responsibilities”].

F1 Words in reg. 2 inserted (31.7.2019) by [The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian \(Amendment\) Regulations 2019](#) (S.I. 2019/1030), regs. 1, **4(a)**

F2 Words in reg. 2 inserted (31.7.2019) by [The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian \(Amendment\) Regulations 2019](#) (S.I. 2019/1030), regs. 1, **4(b)**

F3 Words in reg. 2 inserted (31.7.2019) by [The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian \(Amendment\) Regulations 2019](#) (S.I. 2019/1030), regs. 1, **4(c)**

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| <p>F4 Words in reg. 2(1) substituted (1.7.2015) by The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian (Amendment) Regulations 2015 (S.I. 2015/899), regs. 1(2), 4(a)(i)</p> <p>F5 Words in reg. 2(1) inserted (1.7.2015) by The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian (Amendment) Regulations 2015 (S.I. 2015/899), regs. 1(2), 4(a)(ii)</p> <p>F6 Words in reg. 2(1) substituted (1.7.2015) by The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian (Amendment) Regulations 2015 (S.I. 2015/899), regs. 1(2), 4(b)</p> |
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Minimal differences from forms prescribed in these Regulations

- 3.—(1) In these Regulations, any reference to a form—
- (a) in the case of a form set out in Schedules 1 to 7 to these Regulations, is to be regarded as including a Welsh version of that form; and
 - (b) in the case of a form set out in Schedules 2 to 7 to these Regulations, is to be regarded as also including—
 - (i) a form to the same effect but which differs in an immaterial respect in form or mode of expression;
 - (ii) a form to the same effect but with such variations as the circumstances may require or the court or the Public Guardian may approve; or
 - (iii) a Welsh version of a form within (i) or (ii).

Computation of time

- 4.—(1) This regulation shows how to calculate any period of time which is specified in these Regulations.
- (2) A period of time expressed as a number of days must be computed as clear days.
 - (3) Where the specified period is 7 days or less, and would include a day which is not a business day, that day does not count.
 - (4) When the specified period for doing any act at the office of the Public Guardian ends on a day on which the office is closed, that act will be done in time if done on the next day on which the office is open.
 - (5) In this regulation—

“business day” means a day other than—

 - (a) a Saturday, Sunday, Christmas Day or Good Friday; or
 - (b) a bank holiday under the Banking and Financial Dealings Act 1971 ^{M1}, in England and Wales; and

“clear days” means that in computing the number of days—

 - (a) the day on which the period begins, and
 - (b) if the end of the period is defined by reference to an event, the day on which that event occurs,

are not included.

Marginal Citations

M1 1971 c.80.

Changes to legislation:

There are currently no known outstanding effects for the The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007, PART 1.