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**MENTAL CAPACITY ACT
(CHAPTER 177A)**

**MENTAL CAPACITY
(AMENDMENT) REGULATIONS 2019**

In exercise of the powers conferred by section 46 of the Mental Capacity Act, the Minister for Social and Family Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Mental Capacity (Amendment) Regulations 2019 and come into operation on 1 August 2019.

Amendment of regulation 2

2. Regulation 2 of the Mental Capacity Regulations 2010 (G.N. No. S 105/2010) (called in these Regulations the principal Regulations) is amended —

- (a) by deleting the definition of “prescribed information”; and
- (b) by deleting “<http://www.publicguardian.gov.sg>” in the definition of “Public Guardian’s website” and substituting “<http://www.msf.gov.sg/opg>”.

Deletion and substitution of regulation 3

3. Regulation 3 of the principal Regulations is deleted and the following regulation substituted therefor:

“Differences in forms

3.—(1) Any reference in these Regulations to a form provided at the Public Guardian’s website (other than the forms mentioned in regulation 4(1)) is to be treated as including —

- (a) a form to the same effect but which differs in an immaterial respect in form or mode of expression; or

(b) a form to the same effect but with such variations as circumstances may require or as the Public Guardian may approve.

(2) If an instrument intended to create a lasting power of attorney differs in an immaterial respect in form or mode of expression from any of the forms mentioned in regulation 4(1), such difference is to be dealt with in accordance with paragraph 3 of the First Schedule to the Act.”.

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) For the purposes of paragraph 1(1)(a) of the First Schedule to the Act, the forms to be used for an instrument intended to create a lasting power of attorney are provided at the Public Guardian’s website.”.

Amendment of regulation 7

5. Regulation 7(1) of the principal Regulations is amended by deleting the words “Subject to paragraph (2), the following persons” and substituting the words “For the purposes of paragraph 2(1)(e) of the First Schedule to the Act and subject to paragraph (2), the following persons are persons of a prescribed description who”.

Amendment of regulation 8

6. Regulation 8 of the principal Regulations is amended by deleting paragraphs (1), (2), (3), (4), (5), (6), (7), (7A) and (7B) and substituting the following paragraphs:

“(1) For the purposes of paragraph 1(1)(c) of the First Schedule to the Act, the prescribed requirements in connection with the execution of an instrument intended to create a lasting power of attorney are set out in this regulation.

(2) The instrument must be executed in accordance with the instructions specified in any of the forms mentioned in regulation 4(1).

(3) A donee must sign the instrument in the presence of a witness.

(4) Where a translator had assisted a donee in the execution of the instrument, the translator must be the witness mentioned in paragraph (3).

(5) The donor must sign the instrument in the presence of a witness, who must be a person mentioned in regulation 7(1) providing the LPA Certificate for that instrument.

(6) After the steps mentioned in paragraphs (3), (4) and (5) have been taken, the donor must sign at the end of every page of the instrument.

(7) Any reference in this regulation to a donee includes a replacement donee.”.

Amendment of regulation 10

7. Regulation 10 of the principal Regulations is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) For the purposes of paragraph 4(1) of the First Schedule to the Act, the form for an application for registration of an instrument is provided at the Public Guardian’s website.”;

(b) by deleting the word “An” in paragraph (3) and substituting the words “Subject to paragraph (4), an”; and

(c) by inserting, immediately after the words “appropriate fee” in paragraph (3), the words “specified in the Mental Capacity (Public Guardian Fees) Regulations 2010 (G.N. No. S 106/2010)”.

Amendment of regulation 11

8. Regulation 11 of the principal Regulations is amended —

(a) by deleting the words “the period of 6 weeks beginning with” and substituting the words “the relevant period starting on”; and