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

**MENTAL CAPACITY ACT
(AMENDMENT OF FIRST SCHEDULE)
ORDER 2019**

In exercise of the powers conferred by section 45 of the Mental Capacity Act, the Minister for Social and Family Development makes the following Order:

Citation and commencement

1. This Order is the Mental Capacity Act (Amendment of First Schedule) Order 2019 and comes into operation on 1 August 2019.

Amendment of First Schedule

2. The First Schedule to the Mental Capacity Act is amended —

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

“(a) subject to paragraph 3, it is in any of the forms provided at the prescribed website;”;

(b) by deleting the words “prescribed information” in paragraph 2(1)(a) and substituting the words “information specified in any of the forms mentioned in paragraph 1(1)(a)”;

(c) by deleting the words “prescribed information or a prescribed part of it” in paragraph 2(1)(b)(i) and (d)(i) and substituting in each case the words “information mentioned in sub-paragraph (a)”;

(d) by deleting sub-paragraph (5) of paragraph 2;

(e) by deleting the words “the prescribed form” in paragraph 3(1), (2) and (3) and substituting in each case

the words “any form for an instrument provided at the prescribed website”;

- (f) by deleting the words “the form that was prescribed” in paragraph 3(3) and substituting the words “a form that was provided at the prescribed website”;
- (g) by deleting the word “prescribed” in the paragraph heading of paragraph 3;
- (h) by deleting sub-paragraph (1) of paragraph 4 and substituting the following sub-paragraph:
 - “(1) An application to the Public Guardian for the registration of an instrument intended to create a lasting power of attorney must be in the form provided at the prescribed website.”;
- (i) by deleting the word “prescribed” in paragraph 8 and substituting the words “mentioned at the prescribed website”;
- (j) by deleting paragraphs 14 and 15 and substituting the following paragraphs:

“Registration

14.—(1) The Public Guardian may register an instrument in any form and manner as the Public Guardian may determine (including in an electronic form and by electronic means).

(2) Where the Public Guardian registers an instrument under this Schedule, the Public Guardian must give notice of such registration, in the form provided at the prescribed website, to the following persons:

- (a) the donor;
- (b) the donee or, if more than one, each of them.

Evidence of registration, etc.

15.—(1) The Public Guardian may, in accordance with any prescribed requirements (if prescribed), give to a person a copy of, or certify a copy of, an instrument registered by the Public Guardian under this Schedule to create a lasting power of attorney.

(2) A copy of the instrument given or certified by the Public Guardian under sub-paragraph (1) is prima facie evidence of —