

**Mental Capacity Act 2005
Enduring Power of Attorney**

Notice of intention to apply for registration
of an Enduring Power of Attorney

To.....

Of.....

This form may be adapted for use by three or more attorneys

Give the name and address of the donor

TAKE NOTICE THAT

I

of

and I

of

The attorney(s) of

.....

of

.....

intend to apply to the Public Guardian for registration of the enduring power of attorney appointing me (us) attorney(s) and made by the donor on the

1. You have the right to object to the proposed registration on one or more of the grounds set out below. You must notify the Office of the Public Guardian of your objection within five weeks from the day this notice was given to you. You may make an application to the Court of Protection under rule 68 of the Court of Protection Rules 2007 for a decision on the matter. No fee is payable for such an application. If you do not make such an application, the Public Guardian may ask for the court's directions about registration.

The grounds upon which you can object are limited and are shown at 2 overleaf

Note: The instrument means the document used to make the enduring power of attorney made by the donor, which it is sought to register

The attorney(s) does not have to be a relative. Relatives are not entitled to know of the existence of the enduring power of attorney prior to being given this notice

Our staff will be able to assist with any questions you have regarding the objection (s). However, they cannot provide advice about your particular objection.

Note: Part 4 is addressed only to the donor

Note: This notice should be signed by every one of the attorneys who are applying to register the enduring power of attorney

Note:
The attorney(s) must keep a record of the date on which notice was given to the donor and to relatives. This information will be required from the attorney(s) when an application to register the EPA is made

2. The grounds on which you may object to the proposed registration are:

- That the power purported to be created by the instrument is not valid as an enduring power of attorney
- That the power created by the instrument no longer subsists
- That the application is premature because the donor is not yet becoming mentally incapable
- That fraud or undue pressure was used to induce the donor to make the power
- That the attorney is unsuitable to be the donor’s attorney (having regard to all the circumstances and in particular the attorney’s relationship to or connection with the donor).

3. If you object, you must notify the Office of the Public Guardian and state which of the grounds you are relying on within five weeks from the day this notice was given to you. You can obtain the necessary court forms to object by.

- Calling the court on 0300 456 4600
- Downloading the forms from www.justice.gov.uk/global/forms/hmcts/index.htm

4. You are informed that while the enduring power of attorney remains registered, you will not be able to revoke it until the Court of Protection confirms the revocation.

Signed: Dated:

Signed: Dated:

**Please write to:
Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH**

www.gov.uk/power-of-attorney