
STATUTORY INSTRUMENTS

2013 No. 1748

MENTAL CAPACITY, ENGLAND AND WALES

The Public Guardian (Fees, etc) (Amendment) Regulations 2013

Made - - - - *11th July 2013*
Laid before Parliament *16th July 2013*
Coming into force - - *1st October 2013*

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 58(3) and (4), 64(1) and 65 of the Mental Capacity Act 2005(1).

Citation and commencement

1. These Regulations may be cited as the Public Guardian (Fees, etc) (Amendment) Regulations 2013 and come into force on the 1st October 2013.

Application

2. Regulations 4 and 5 apply where the application or appointment to which the fee due under the Public Guardian (Fees, etc) Regulations 2007(2) relates is made on or after the date on which these Regulations come into force.

Amendment of the Public Guardian (Fees, etc) Regulations 2007

3. The Public Guardian (Fees, etc) Regulations 2007 are amended as follows.

4. In regulation 10 (reductions and remissions)—

- (a) in the heading, omit “in exceptional circumstances”; and
- (b) after paragraph (1), insert—

“(1A) Where, at the time that a fee under these Regulations is payable, the relevant person (or a couple which includes the relevant person) is in receipt of universal credit under the Welfare Reform Act 2012(3), the Public Guardian may reduce or remit that fee.

(1B) Paragraph (1A) does not apply to the office copy fees prescribed by regulations 4A and 5A.

(1) 2005 c.9. Section 65 was amended by the Mental Health Act 2007 (2007 c.12) s.50(7), Schedule 9, Part 1 paragraphs 1 and 11.
(2) S.I. 2007/2051. These Regulations were amended by S.I. 2007/2616, S.I. 2009/514, S.I. 2010/1062 and S.I. 2011/2189
(3) 2012 c.5.

(1C) In paragraph (1A)—

- (a) paragraphs (3) to (6) of regulation 9 apply for the purpose of determining who is the relevant person;
- (b) “couple” has the meaning given in section 39 of the Welfare Reform Act 2012.”.

5. In the Schedule (fees to be taken)—

- (a) in the entry for “Fee for application to register an enduring power of attorney (regulation 4)”, for the amount in column 2 substitute “£110.00”;
- (b) in the entry for “Fee for application to register a lasting power of attorney (regulation 5)”, for the amount in column 2 substitute “£110.00”; and
- (c) in the entry for “Reduced fee for repeat application to register a lasting power of attorney (regulation 5)”, for the amount in column 2 substitute “£55.00”.

Signed by the authority of the Lord Chancellor

11th July 2013

Helen Grant
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Guardian (Fees,
etc) Regulations 2007 (“the 2007 Regulations”) by—

- amending regulation 10 (reductions and remissions in exceptional circumstances) to permit the Public Guardian to remit or reduce certain fees prescribed by the 2007 Regulations where a relevant person is in receipt of universal credit under the Welfare Reform Act 2012 (regulation 4);
- amending the Schedule to the 2007 Regulations (Fees to be taken) to reduce the fee for an application to register an enduring, or a lasting, power of attorney from £130 to £110, and to reduce the fee for a repeat application to register a lasting power of attorney from £65 to £55.