

# **Mental Capacity Regulations 2010**

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**No. S 105**

**MENTAL CAPACITY ACT 2008  
(ACT 22 OF 2008)**

**MENTAL CAPACITY REGULATIONS 2010**

In exercise of the powers conferred by sections 31(3) and (4) and 46 of the Mental Capacity Act 2008, the Minister for Community Development, Youth and Sports hereby makes the following Regulations:

PART I  
PRELIMINARY

**Citation and commencement**

1. These Regulations may be cited as the Mental Capacity Regulations 2010 and shall come into operation on 1st March 2010.

**Definitions**

2. In these Regulations —

“care facility” means —

- (a) any day centre or home for the disabled or the aged; or
- (b) any welfare, nursing, rehabilitation or convalescent home;

*[S 531/2018 wef 01/09/2018]*

“certified copy” means a document certified by the Public Guardian under paragraph 15 of the First Schedule to the Act as a copy of an instrument intended to create a lasting power of attorney and registered under that Schedule;

*[S 524/2014 wef 01/09/2014]*

“family member”, in relation to a person, means —

- (a) a spouse of the person;
- (b) a child of the person, including an adopted child and a step-child;
- (c) a father or mother of the person;
- (d) a father-in-law or mother-in-law of the person;
- (e) a brother or sister of the person; or
- (f) any other individual who is related by blood or marriage and who is living in the same household as the person;

“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 the First Schedule to the Act;

*[Deleted by S 524/2014 wef 01/09/2014]*

*[Deleted by S 501/2019 wef 01/08/2019]*

“Public Guardian’s website” means the Internet website of the Public Guardian at <http://www.msf.gov.sg/opg>;

*[S 524/2014 wef 01/09/2014]  
[S 501/2019 wef 01/08/2019]*

“Visitor” means a member of the Board of Visitors appointed under section 35 of the Act.

### **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.

*[S 501/2019 wef 01/08/2019]*

## **PART II**

### **LASTING POWERS OF ATTORNEY**

#### **Forms for lasting powers of attorney**

**4.—**(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.

*[S 501/2019 wef 01/08/2019]*

(2) A donor may use any one of the forms to create a lasting power of attorney.

#### **Persons other than individuals who can be appointed property and affairs donees**

**5.** For the purpose of paragraph (a) of the definition of “professional donee” in section 2(1) of the Act, licensed trust companies within the meaning of section 2 of the Trust Companies Act (Cap. 336) are prescribed persons who may be appointed as a donee of a lasting power of attorney in respect of a donor’s property and affairs.

*[S 531/2018 wef 01/09/2018]*