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

**MENTAL CAPACITY
(AMENDMENT) REGULATIONS 2014**

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

Citation and commencement

1. These Regulations may be cited as the Mental Capacity (Amendment) Regulations 2014 and shall come into operation on 1 September 2014.

Amendment of regulation 2

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

(a) by inserting, immediately after the definition of “care facility”, the following definition:

“ “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;”;

(b) by deleting the definition of “named person”; and

(c) by inserting, immediately after the definition of “prescribed information”, the following definition:

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

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended by deleting the words “the First to Sixth Schedules” and substituting the words “the Schedule or at the Public Guardian’s website”.

Amendment of regulation 4

4. Regulation 4(1) of the principal Regulations is amended by deleting the word “First”.

Deletion of regulation 6

5. Regulation 6 of the principal Regulations is deleted.

Amendment of regulation 8

6. Regulation 8 of the principal Regulations is amended —

- (a) by deleting the words “Parts A, B, C and D” in paragraph (3)(a) and substituting the words “Parts 1, 2 and 3”;
- (b) by deleting the words “Part D” in paragraph (3)(b) and substituting the words “Part 1B”;
- (c) by deleting the words “Part E” in paragraph (4) and substituting the words “Part 4”;
- (d) by deleting the words “Part F” in paragraph (6)(a) and (b) and substituting in each case the words “Part 2”;
- (e) by deleting paragraph (7) and substituting the following paragraphs:

“(7) Where a translator has assisted the donor in the execution of the instrument, the translator must —

- (a) sign Part 1B of the instrument; and
- (b) give his full name and the number of the identity card issued to him under the National Registration Act (Cap. 201) if any, or the number of his passport or other official identification document.

(7A) Where a translator has assisted the donee in the execution of the instrument, the translator must witness the donee’s signature.

(7B) After the steps required by paragraphs (2) to (7A) have been taken, the donor must sign at the end of each page of the instrument.”; and

(f) by deleting the words “and address,” in paragraph (9)(b).

Deletion of regulation 9

7. Regulation 9 of the principal Regulations is deleted.

Amendment of regulation 10

8. Regulation 10 of the principal Regulations is amended —

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

“(1) The form which must be used for making an application to the Public Guardian for the registration of an instrument intended to create a lasting power of attorney is that which is set out at the Public Guardian’s website.”; and

(b) by deleting the word “made” in paragraph (2) and substituting the words “received by the Public Guardian”.

Deletion and substitution of regulation 12

9. Regulation 12 of the principal Regulations is deleted and the following regulation substituted therefor:

“Notice of receipt of application for registration

12.—(1) The form of notice which the Public Guardian must give to the donee (or donees) when the Public Guardian receives an application from a donor for the registration of a lasting power of attorney is that which is set out at the Public Guardian’s website.

(2) The form of notice which the Public Guardian must give to the donor when the Public Guardian receives an application from a donee (or donees) for the registration of a lasting power of attorney is that which is set out at the Public Guardian’s website.”.

Amendment of regulation 13

10. Regulation 13 of the principal Regulations is amended —

(a) by deleting the words “or a named person” in paragraphs (1) and (2);

(b) by deleting the words “paragraph 5, 6 or 7” in paragraph (2)(a) and substituting the words “paragraph 6 or 7(2)”; and

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- (c) by deleting the words “or named person” in the regulation heading.

Amendment of regulation 15

11. Regulation 15(3) of the principal Regulations is amended by deleting the words “paragraph 5, 6 or 7” in sub-paragraph (a) and substituting the words “paragraph 6 or 7”.

Amendment of regulation 16

12. Regulation 16 of the principal Regulations is amended by deleting the words “or named person” in paragraph (c).

Amendment of regulation 17

13. Regulation 17 of the principal Regulations is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) The form of notice which the Public Guardian must give to the donor and donee (or donees) when the Public Guardian registers an instrument as a lasting power of attorney is that which is set out at the Public Guardian’s website.”.

Amendment of regulation 18

14. Regulation 18 of the principal Regulations is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) The Public Guardian must give a notice to the donor and the donee (or, if more than one donee, each of the donees) requiring them to deliver to the Public Guardian —

- (a) the original of the instrument that was sent to the Public Guardian for registration;
- (b) any office copy of that registered instrument; and
- (c) any certified copy of that registered instrument.”.

Amendment of regulation 19

15. Regulation 19 of the principal Regulations is amended by deleting the words “deliver up” in paragraphs (1)(a) and (2) and substituting in each case the word “deliver”.

Amendment of regulation 20

16. Regulation 20 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) The form which a donee (including a replacement donee) of an instrument registered as a lasting power of attorney must use to disclaim his appointment as donee is that which is set out at the Public Guardian’s website.”.

Deletion and substitution of regulation 27

17. Regulation 27 of the principal Regulations is deleted and the following regulation substituted therefor:

“Application for certified copy of instrument registered under Act as lasting power of attorney by donor or donee

27. A person may, on application to the Public Guardian and on payment of the prescribed fee, obtain a certified copy of an instrument registered under the Act as a lasting power of attorney of which the person is the donor or a donee.”.

Deletion of First to Sixth Schedules and substitution of Schedule

18. The First to Sixth Schedules to the principal Regulations are deleted and the following Schedule substituted therefor: