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MENTAL CAPACITY ACT 2008 (ACT 22 OF 2008)

MENTAL CAPACITY REGULATIONS 2010

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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]

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

Persons who may provide LPA Certificate

7.—(1) For the purposes of paragraph 2(1)(e) of the First Schedule to the Act and subject to paragraph (2), the following persons are persons of a prescribed description who may give an LPA Certificate:

- (a) a legally qualified medical practitioner who is registered as specialists in psychiatry under the Medical Registration Act (Cap. 174);
- (b) a legally qualified medical practitioner who is accredited by the Public Guardian to issue LPA Certificates; and
- (c) an advocate and solicitor of the Supreme Court who has in force a practising certificate under the Legal Profession Act (Cap. 161).

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

(2) A person is disqualified from giving an LPA Certificate in respect of any instrument intended to create a lasting power of attorney if that person is —

- (a) a family member of the donor;
- (b) a donee of that power;

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- (c) a donee of any other lasting power of attorney which has been executed by the donor (whether or not it has been revoked);
 - (d) a family member of a donee within sub-paragraphs (b) and (c);
 - (e) a director or an employee of a person other than an individual acting as a donee within sub-paragraphs (b) and (c);
 - (f) a business partner or an employee of —
 - (i) the donor; or
 - (ii) a donee within sub-paragraphs (b) and (c);
 - (g) an owner, a director, a manager or an employee of any care facility where the donor lives or is cared for when the instrument is executed; or
 - (h) a family member of a person within sub-paragraph (g).
- (3) For the purposes of paragraph (2), “donee” includes a “replacement donee”.

Execution of instrument

8.—(1) For the purposes of paragraph 1(1)(c) of the First Schedule to the Act, the prescribed requirements in connection with the execution of an instrument intended to create a lasting power of attorney are set out in this regulation.

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

(2) The instrument must be executed in accordance with the instructions specified in any of the forms mentioned in regulation 4(1).

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

(3) A donee must sign the instrument in the presence of a witness.

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

(4) Where a translator had assisted a donee in the execution of the instrument, the translator must be the witness mentioned in paragraph (3).

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

(5) The donor must sign the instrument in the presence of a witness, who must be a person mentioned in regulation 7(1) providing the LPA Certificate for that instrument.

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

(6) After the steps mentioned in paragraphs (3), (4) and (5) have been taken, the donor must sign at the end of every page of the instrument.

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

(7) Any reference in this regulation to a donee includes a replacement donee.

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

(7A) *[Deleted by S 501/2019 wef 01/08/2019]*

(7B) *[Deleted by S 501/2019 wef 01/08/2019]*

(8) For the purposes of this regulation —

(a) the donor may not witness any signature required for the power; and

(b) a donee may not witness any signature required for the power.

(9) A person witnessing a signature must —

(a) sign 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.

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

(10) Any reference in this regulation to a person signing an instrument (however expressed) includes his signing it by means of a mark or thumbprint made on the instrument at the appropriate place.

(11) The instrument may not be executed in an electronic form or by electronic means.

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

Application for registration

10.—(1) For the purposes of paragraph 4(1) of the First Schedule to the Act, the form for an application for registration of an instrument is provided at the Public Guardian’s website.

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

(2) An application for registration must be received by the Public Guardian within 6 months from the date the donor signs the instrument, unless the Public Guardian is satisfied that there is good reason for the delay.

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

(3) Subject to paragraph (4), an application for registration must be accompanied by the original instrument intended to create the power and the appropriate fee specified in the Mental Capacity (Public Guardian Fees) Regulations 2010 (G.N. No. S 106/2010).

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

(4) Where the instrument to be registered which is sent with the application is not the original instrument intended to create the power, the Public Guardian must not register the instrument unless the court directs him to do so.

(5) An application for registration may not be made by electronic means.

Period to elapse before registration in cases not involving objection or defect

11.—(1) The period at the end of which the Public Guardian must register an instrument in accordance with paragraph 4(5) of the First Schedule to the Act is the relevant period starting on —

- (a) the date on which the Public Guardian gave the notice or notices under paragraph 6 or 7 of the First Schedule to the Act of receipt of an application for registration; or
- (b) if such notices were given on more than one date, the latest of those dates.

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

(2) In paragraph (1), “relevant period” means —

- (a) if the application for registration of the instrument was made before 1 August 2019 — 6 weeks; and

(b) in any other case — 3 weeks.

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

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 provided at the Public Guardian’s website.

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

(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 provided at the Public Guardian’s website.

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

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

Objection to registration: notice to Public Guardian to be given by donee

13.—(1) This regulation deals with any objection to the registration of an instrument as a lasting power of attorney which is to be made to the Public Guardian by the donee of the power.

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

(2) Where the donee of the power —

(a) is entitled to receive notice under paragraph 6 or 7(2) of the First Schedule to the Act of an application for the registration of the instrument; and

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

(b) wishes to object to registration on a ground set out in paragraph 12(1) of the First Schedule to the Act,

he must do so by the date specified in the notice.

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

(3) A notice of objection must be given in writing, setting out —

(a) the name and address of the objector;

(b) the name and address of the donor of the power;

- (c) if known, the name and address of the other donee (or donees); and

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

- (d) the ground for making the objection.

(4) The Public Guardian must notify the objector as to whether he is satisfied that the ground of the objection is established.

(5) At any time after receiving the notice of objection and before giving the notice required by paragraph (4), the Public Guardian may require the objector to provide such further information, or produce such documents, as the Public Guardian reasonably considers necessary to enable him to determine whether the ground for making the objection is established.

- (6) Where —

(a) the Public Guardian is satisfied that the ground of the objection is established; but

(b) by virtue of section 15(6) of the Act, the instrument is not revoked,

the notice under paragraph (4) must contain a statement to that effect.

(7) Nothing in this regulation prevents an objector from making a further objection under paragraph 12 of the First Schedule to the Act where —

(a) the notice under paragraph (4) indicates that the Public Guardian is not satisfied that the particular ground of objection to which that notice relates is established; and

(b) the date specified in the notice under paragraph (2) has not expired.

Objection to registration: notice to Public Guardian to be given by donor

14.—(1) This regulation deals with any objection to the registration of an instrument as a lasting power of attorney which is to be made to the Public Guardian by the donor of the power.

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- (2) Where the donor of the power —
- (a) is entitled to receive notice under paragraph 7 of the First Schedule to the Act of an application for the registration of the instrument; and
 - (b) wishes to object to the registration,
- he must do so before the date specified in the notice.
- (3) The donor of the power must give notice of his objection in writing to the Public Guardian, setting out —
- (a) the name and address of the donor of the power;
 - (b) if known, the name and address of the donee (or donees); and
 - (c) the ground for making the objection.

Objection to registration: application to court

15.—(1) This regulation deals with any objection to the registration of an instrument as a lasting power of attorney which is to be made to the court.

- (2) The grounds for making an application to the court are —
- (a) that one or more of the requirements for the creation of a lasting power of attorney have not been met;
 - (b) that the power has been revoked, or has otherwise come to an end, on a ground other than the grounds set out in paragraph 12(1) of the First Schedule to the Act;
 - (c) any of the grounds set out in section 17(3) of the Act.
[S 501/2019 wef 01/08/2019]
- (3) Where any person —
- (a) is entitled to receive notice under paragraph 6 or 7 of the First Schedule to the Act of an application for the registration of the instrument; and
[S 524/2014 wef 01/09/2014]
 - (b) wishes to object to registration on one or more of the grounds set out in paragraph (2),

he must make an application to the court by the date specified in the notice.

(4) The notice of an application to the court, which a person making an objection to the court is required to give to the Public Guardian under paragraph 12(3)(b)(ii) of the First Schedule to the Act, must be in writing.

Notifying applicants of non-registration of lasting power of attorney

16. Where the Public Guardian is prevented from registering an instrument as a lasting power of attorney by virtue of —

- (a) paragraph 10(1) of the First Schedule to the Act (instrument not made in accordance with Schedule);
- (b) paragraph 11(2) of that Schedule (deputy already appointed);
- (c) paragraph 12(2) of that Schedule (objection by donee on grounds of bankruptcy, disclaimer, death, etc.);
[S 524/2014 wef 01/09/2014]
- (d) paragraph 13(2) of that Schedule (objection by donor); or
- (e) regulation 10(3) (application for registration not accompanied by original instrument),

he must notify the person (or persons) who applied for registration of that fact.

Notice of registered instrument, etc.

17.—(1) For the purposes of paragraph 14(2) of the First Schedule to the Act, the form of the Public Guardian’s notice of registration of an instrument is provided at the Public Guardian’s website.

(2) Where the Public Guardian registers (whether before, on or after 1 August 2019) an instrument as a lasting power of attorney following an application for registration made before 1 August 2019, the Public Guardian must —

- (a) retain a copy of the registered instrument; and

(b) return to the person (or persons) who made the application, the instrument that accompanied the application.

(3) Where the Public Guardian registers an instrument as a lasting power of attorney following an application for registration made on or after 1 August 2019, the Public Guardian —

(a) must provide, in any form and manner as the Public Guardian may determine, a copy of the registered instrument to the donor and every donee; and

(b) need not return the instrument that accompanied the application to the person (or persons) who made the application, unless a request is made by the person (or persons) for the return of the instrument.

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

Changes to instrument registered as lasting power of attorney

18.—(1) This regulation applies in any case where any of paragraphs 20 to 23 of the First Schedule to the Act requires the Public Guardian to attach a note to an instrument registered as a lasting power of attorney.

(2) The Public Guardian must give a notice to every person to whom the Public Guardian has —

(a) returned the instrument under regulation 17(2)(b) or (3)(b);
or

(b) given a certified copy of the registered instrument,

to deliver the instrument or certified copy (as the case may be) to the Public Guardian.

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

(3) If the instrument or a certified copy is delivered by a person to the Public Guardian (whether following a notice under paragraph (2) or under paragraph 23A(1) of the First Schedule to the Act), the Public Guardian must —

(a) in relation to the instrument, return to the person the instrument with the required note attached; or

- (b) in relation to the certified copy, provide to the person a new certified copy of the instrument that has the required note attached.

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

- (4) *[Deleted by S 501/2019 wef 01/08/2019]*

Loss or destruction of instrument registered as lasting power of attorney

19.—(1) This regulation applies where —

- (a) a person is required by or under the Act to deliver to the Public Guardian any of the following documents:

(i) an instrument registered as a lasting power of attorney;

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

(iii) a certified copy of that registered instrument; and

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

(b) the document has been lost or destroyed.

(2) The person required to deliver the document must provide to the Public Guardian a statutory declaration setting out —

(a) if known, the date of the loss or destruction and the circumstances in which it occurred;

(b) otherwise, a statement of when he last had the document in his possession.

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

Disclaimer of appointment by donee of lasting power of attorney

20.—(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 provided at the Public Guardian's website.

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

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

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- (2) The donee must send —
- (a) the completed form to the donor; and
 - (b) a copy of it to —
 - (i) the Public Guardian; and
 - (ii) any other donee who, for the time being, is appointed under the power.

Revocation by donor of lasting power of attorney

- 21.**—(1) A donor who revokes a lasting power of attorney must —
- (a) notify the Public Guardian that he has done so; and
 - (b) notify the donee (or, if more than one, each of them) of the revocation.

(2) Where the Public Guardian receives a notice under paragraph (1)(a), he must cancel the registration of the instrument creating the power if he is satisfied that the donor has taken such steps as are necessary in law to revoke it.

(3) The Public Guardian may require the donor to provide such further information, or produce such documents, as the Public Guardian reasonably considers necessary to enable him to determine whether the steps necessary for revocation have been taken.

(4) Where the Public Guardian cancels the registration of the instrument, he must notify —

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

Revocation of lasting power of attorney on death of donor

22.—(1) The Public Guardian must cancel the registration of an instrument as a lasting power of attorney if he is satisfied that the power has been revoked as a result of the donor's death.

(2) Where the Public Guardian cancels the registration of an instrument, he must notify the donee or, if more than one, each of them.

Donor to inform Public Guardian of certain events

23. A donor of a lasting power of attorney who does not lack capacity must notify the Public Guardian within 14 days of any event that revokes the lasting power of attorney or the appointment of any of the donees.

Donee to inform Public Guardian of certain events

24. A donee of a lasting power of attorney must inform the Public Guardian within 14 days of any event that terminates his appointment or revokes his powers (in whole or in part).

PART III

FUNCTIONS OF PUBLIC GUARDIAN

Establishing and maintaining registers

25.—(1) In this Part, “the registers” means —

- (a) the register of lasting powers of attorney;
[S 531/2018 wef 01/09/2018]
- (b) the register of court orders appointing deputies; and
[S 531/2018 wef 01/09/2018]
- (c) the register of professional deputies,
[S 531/2018 wef 01/09/2018]

which the Public Guardian must establish and maintain.

(2) On each register the Public Guardian may include —

- (a) information about a registered instrument or a registered order as the Public Guardian considers appropriate;
[S 531/2018 wef 01/09/2018]
[S 501/2019 wef 01/08/2019]
- (b) entries which relate to an instrument or order for which registration has been cancelled; and
[S 531/2018 wef 01/09/2018]
- (c) such information, as the Public Guardian considers appropriate, on professional deputies.
[S 531/2018 wef 01/09/2018]

(3) Each register may be established and maintained in any form and manner as the Public Guardian may determine.

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

Application for copy of registered instrument

25A.—(1) A donee under a registered instrument may, for the purpose of making a decision for the donor who lacks capacity, apply to the Public Guardian for a copy of the registered instrument to be provided to a person nominated by the donee.

(2) An application must be —

(a) in the form and manner required by the Public Guardian;
and

(b) supported by any information and documents as the Public Guardian may require.

(3) The Public Guardian may provide a copy of the registered instrument to the person nominated by the donee if the Public Guardian is satisfied, based on the information and documents mentioned in paragraph (2)(b), that the donor lacks capacity to make the decision concerned.

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

Disclosure of information on register: search by Public Guardian

26.—(1) Any person may, by an application made under paragraph (2), request the Public Guardian to carry out a search of one or more of the registers.

(2) An application must be in the form and manner required by the Public Guardian and must —

(a) state —

(i) the register or registers to be searched;

(ii) the name of the person to whom the application relates; and

(iii) such other details about that person as the Public Guardian may require for the purpose of carrying out the search; and

- (b) be accompanied by the appropriate fee specified in the Mental Capacity (Public Guardian Fees) Regulations 2010.

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

- (3) The search shall be confined to such information as the Public Guardian considers appropriate.

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.

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

Application for certified copy of instrument registered under Act as lasting power of attorney by other persons

28.—(1) This regulation applies in any case where there is an instrument registered under the Act as a lasting power of attorney concerning a person (“P”) and regulation 27 is not applicable.

(2) On receipt of an application with the prescribed fee by a person for a certified copy of an instrument registered under the Act as a lasting power of attorney made in accordance with paragraph (3), the Public Guardian may, if he considers that there is good reason to do so, furnish a certified copy of the registered instrument to the applicant.

(3) An application must be made in the form and manner required by the Public Guardian, and state —

- (a) the name of P;
- (b) the reasons for making the application; and
- (c) what steps, if any, the applicant has taken to obtain a copy of the instrument from P.

(4) The Public Guardian may require the applicant to provide any further information or documents to enable the Public Guardian to determine the application.

(5) In determining whether to furnish a certified copy of the registered instrument to the applicant, the Public Guardian may in his discretion consider any relevant facts, including —

- (a) the connection between P and the applicant;
- (b) the reasons for requesting the information (in particular, why the information cannot or should not be obtained directly from P);
- (c) the benefit to P, or any detriment he may suffer, if a disclosure is made; and
- (d) any detriment that another person may suffer if a disclosure is made or not made.

Persons required to give security for discharge of their functions

29.—(1) This regulation applies in any case where the court orders a person (“S”) to give to the Public Guardian security for the discharge of his functions.

(2) The security must be given by S in such form and manner as the court may direct.

(3) S complies with the requirement to give security only if the Public Guardian is satisfied that all the requirements imposed by the court in relation to the giving of security have been met.

Enforcement following court order of endorsed security

30.—(1) This regulation applies to any security given to the Public Guardian in respect of which an enforcement has been provided.

(2) Where the court orders the enforcement of the security, the Public Guardian must notify the court when payment has been made of the amount secured.

Content of reports

31.—(1) Any report which the court requires a deputy to submit to the Public Guardian must include such material as the court may direct.

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- (2) The report must also contain or be accompanied by —
- (a) specified information or information of a specified description; or
 - (b) specified documents or documents of a specified description.

(3) Where powers as respects a person's property and affairs are conferred on a deputy under section 20 of the Act, the information specified by the Public Guardian under paragraph (2) may include accounts which —

- (a) deal with specified matters; and
- (b) are provided in a specified form.

(4) The Public Guardian may require any information provided to be verified or any document produced to be authenticated.

(5) In this regulation, "specified" means specified in a notice in writing given to the deputy by the Public Guardian.

Power to require final report on termination of appointment

32.—(1) This regulation applies where —

- (a) the person on whose behalf a deputy was appointed to act has died;
- (b) the deputy has died;
- (c) the court has made an order discharging the deputy; or
- (d) the deputy otherwise ceases to be under a duty to discharge the functions to which his appointment relates.

(2) The Public Guardian may require the deputy (or, in the case of the deputy's death, his personal representatives) to submit a final report on the discharge of his functions.

(3) A final report must be submitted —

- (a) before the end of such reasonable period as may be specified; and
- (b) at such place as may be specified.

(4) Where the Public Guardian is dissatisfied with any aspect of the final report, he may apply to the court for an appropriate remedy (including enforcement of security given by the deputy).

(5) In this regulation, “specified” means specified in a notice in writing given to the deputy or his personal representatives by the Public Guardian.

Power to require information from deputies

33.—(1) This regulation applies in any case where —

(a) the Public Guardian has received representations (including complaints) about —

(i) the way in which a deputy is exercising his powers;
or

(ii) any failure to exercise them; or

(b) it appears to the Public Guardian that there are other circumstances which —

(i) give rise to concerns about, or dissatisfaction with, the conduct of the deputy (including any failure to act); or

(ii) otherwise constitute good reason to seek information about the deputy’s discharge of his functions.

(2) The Public Guardian may require the deputy —

(a) to provide specified information or information of a specified description; or

(b) to produce specified documents or documents of a specified description.

(3) The information or documents must be provided or produced —

(a) before the end of such reasonable period as may be specified; and

(b) at such place as may be specified.

(4) The Public Guardian may require any information provided to be verified or any document produced to be authenticated.

(5) In this regulation, “specified” means specified in a notice in writing given to the deputy by the Public Guardian.

Right of deputy to require review of decisions made by Public Guardian

34.—(1) A deputy may require the Public Guardian to reconsider any decision he has made in relation to the deputy.

(2) The right under paragraph (1) is exercisable by giving notice of exercise of the right to the Public Guardian before the end of the period of 14 days beginning with the date on which notice of the decision is given to the deputy.

(3) The notice of exercise of the right must —

- (a) state the grounds on which reconsideration is required; and
- (b) contain or be accompanied by any relevant information or documents.

(4) At any time after receiving the notice and before reconsidering the decision to which it relates, the Public Guardian may require the deputy to provide him with such further information, or to produce such documents, as he reasonably considers necessary to enable him to reconsider the matter.

(5) The Public Guardian must give to the deputy —

- (a) written notice of his decision on reconsideration; and
- (b) if he upholds the previous decision, a statement of his reasons.

Applications to court

35. The Public Guardian has the function of making applications to the court in connection with his functions under the Act in such circumstances as he considers it necessary or appropriate to do so.

Visits by Visitor at direction of Public Guardian

36.—(1) This regulation applies where the Public Guardian directs a Visitor to visit any person under any provision of the Act or these Regulations.

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- (2) Where the visit is to be carried out by a Visitor —
- (a) the Public Guardian may —
 - (i) give such directions to the Visitor; and
 - (ii) provide him with such information concerning the person to be visited,
as the Public Guardian considers necessary for the purposes of enabling the visit to take place and the Visitor to prepare any report the Public Guardian may require; and
 - (b) the Visitor must seek to carry out the visit and take all reasonable steps to obtain such other information as he considers necessary for the purpose of preparing a report.
- (3) A Visitor must submit any report requested by the Public Guardian in accordance with any timetable specified by the Public Guardian.
- (4) If he considers it appropriate to do so, the Public Guardian may, in relation to any person interviewed in the course of preparing a report —
- (a) disclose the report to him; and
 - (b) invite him to comment on it.

Functions in relation to persons carrying out specific transactions

37.—(1) This regulation applies where, in accordance with an order made under section 20(2)(a) of the Act, a person (“T”) has been authorised to carry out any transaction for a person who lacks capacity.

- (2) The Public Guardian has the functions of —
- (a) receiving any reports from T which the court may require; and
 - (b) dealing with representations (including complaints) about —

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- (i) the way in which the transaction has been or is being carried out; or
 - (ii) any failure to carry it out.

(3) Regulations 31, 32 and 33 have effect in relation to T as they have effect in relation to a deputy.

Power to require information from donees of lasting power of attorney

38.—(1) This regulation applies where it appears to the Public Guardian that there are circumstances suggesting that the donee of a lasting power of attorney may —

- (a) have behaved, or may be behaving, in a way that contravenes his authority or is not in the best interests of the donor of the power;
- (b) be proposing to behave in a way that would contravene that authority or would not be in the donor's best interests; or
- (c) have failed to comply with the requirements of an order made, or directions given, by the court.

(2) The Public Guardian may require the donee —

- (a) to provide specified information or information of a specified description; or
- (b) to produce specified documents or documents of a specified description.

(3) The information or documents must be provided or produced —

- (a) before the end of such reasonable period as may be specified; and
- (b) at such place as may be specified.

(4) The Public Guardian may require —

- (a) any information provided to be verified in such manner; or
- (b) any document produced to be authenticated in such manner,

as he may require.

(5) In this regulation, “specified” means specified in a notice in writing given to the donee by the Public Guardian.

THE SCHEDULE

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

Made this 19th day of February 2010.

NIAM CHIANG MENG
*Permanent Secretary,
Ministry of Community
Development,
Youth and Sports,
Singapore.*

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