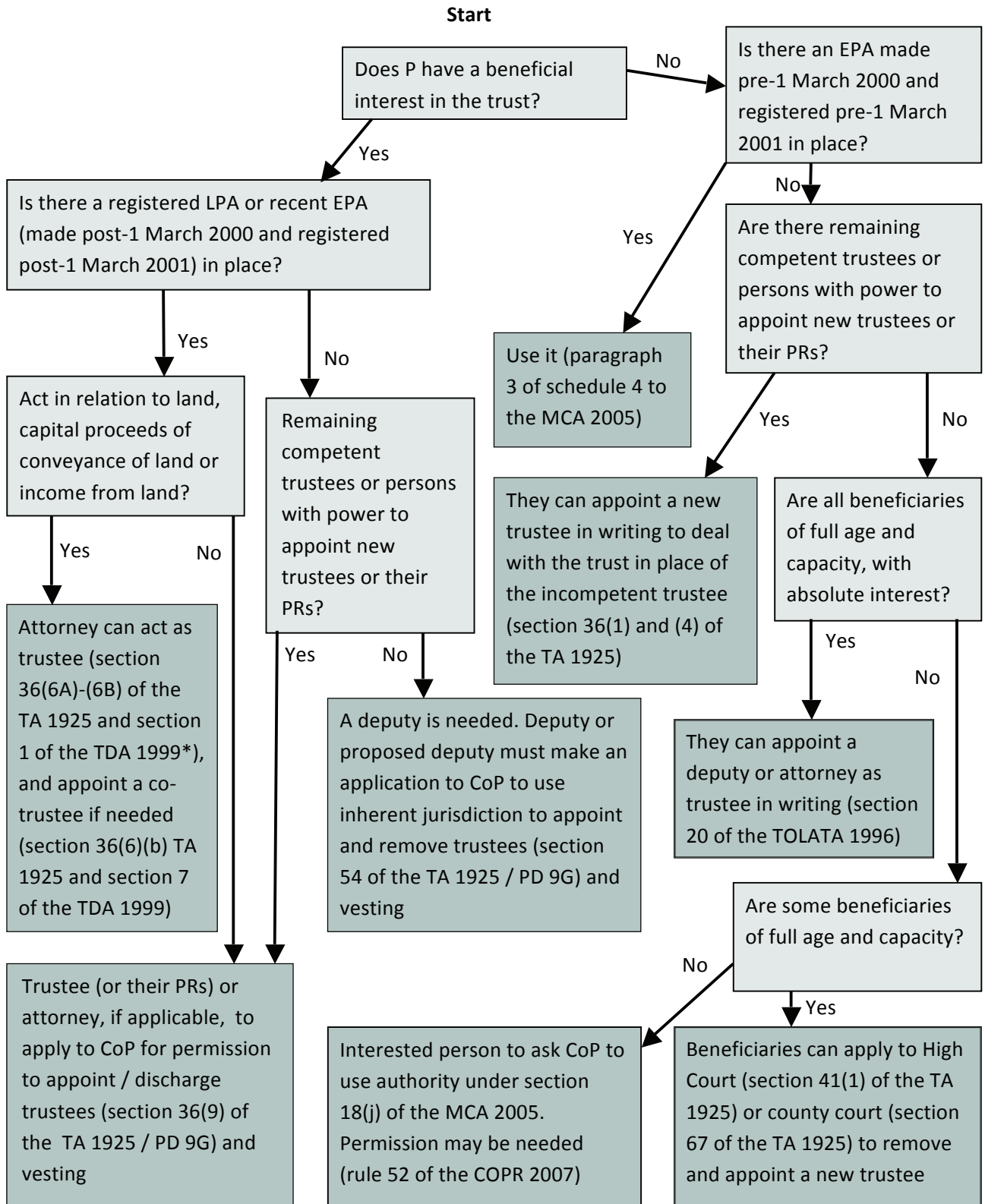




# Dealing with mentally incompetent trustees



## General rules

- Deputies do not have authority to act for P in a trustee role (section 20(3)(c) of the MCA 2005).
- Delegation of trustee powers under an ordinary power of attorney does not survive incapacity (section 25 of the TA 1925).
- At any point, an application can be made to ask the CoP to use its authority under section 18(j) of the MCA 2005.

\* There is no need to discharge / appoint a new trustee (section 22(3) of the Law of Property Act 1925).