Click Here

How to apply for power of attorney online uk

You may want to get legal advice if: you live outside England and Wales you have property outside England and Wales and you're making an LPA for property and financial affairs you're planning to move away from England and Wales there are other reasons why where you live complicates your situation Complications: bankruptcy and debt relief orders (LPA for property and financial affairs only) If you're bankrupt or subject to a debt relief order, you should think about getting legal advice before you make your LPA. See Instructions to pay fees in this guide. What type of LPA is being registered? If you're applying to register two LPAs – one for property and financial affairs and one for health and welfare – and the people to notify are the same on each form, you'll still have to notify each of them twice. It can only be used if you're unable to make your own decisions.Property and financial affairs LPAA property and financial affairs LPA gives your attorney the power to make decisions about your money and property. In the first example, 'everything else' means all financial decisions apart from selling or letting your house. They must all be in agreement and they must all sign any relevant documents. If you need help to look at websites, visit your local library. On Continuation sheet 2: mark the box 'Decisions attorneys should make jointly' write in the space which decisions your attorneys must make jointly If you use Continuation sheet 2, you must sign and date it (and any extra copies that you use) before you sign section 9 of your LPA. The details are below. Does that problem mean they are unable to make a specific decision at the time it needs to be made? Only when I don't have mental capacity Mark this box with an 'X' if you don't want your attorneys to make decisions or act for you while you have mental capacity. Life-sustaining treatment can include: a serious operation, such as heart bypass surgery chemotherapy, radiotherapy or another cancer treatment an organ transplant artificial nutrition or hydration (food or water given other than by mouth) Whether some treatments are life-sustaining depends on the situation. If you have more than four attorneys, use Continuation sheet 1 and sign it before you sign the LPA. My attorneys must act jointly for decisions I have authorised them to make about life-sustaining treatment and may act jointly and severally for everything else. If there is a fifth person to notify, look for a copy of Continuation sheet 1, where 'person to notify' is marked with an 'X'. Choose people to notify You can choose up to five people to notify but they can't be your attorneys or replacement attorneys. Your certificate provider can witness your and your attorneys' signatures. All the attorneys and replacement attorneys sign LPA section 11 See section 11 of this guide, called 'attorney's and replacement attorney's signatures'. (LPA for property and financial affairs only) Fill in section 5 You must choose when you want your attorneys to be able to make decisions. Mark with an 'X' either the 'Preferences' box or the 'Instructions' box on Continuation sheet 2. You can change your cookie settings at any time. This has room for four attorneys. They can still claim expenses. Property and financial affairs LPA Here are some examples of preferences you might write in a property and financial affairs LPA: I like to reinvest all interest from each year's investments into next year's ISA allowance. My attorneys must not sell my home unless, in my doctor's opinion, I can no longer live independently. You then need to enter the date that the donor signed the LPA. If you don't want any replacement attorneys leave this section blank when submitting the LPA to OPG; however, you must still include this page within the LPA. Do you want replacement attorneys as a back-up if your attorneys have to make some or all decisions together? A certificate provider is an impartial person who confirms that you understand what you're doing and that nobody is forcing you to make an LPA. For example, if there is an error on section 10 and a new section needs to be completed again, it must be completed by the same person who signed the original section 10. If you choose this option you must clearly state which decisions your attorneys must make together and all agree on: that is, when they should act jointly. Once you have chosen your certificate provider and they have signed section 10, you cannot then change who your certificate provider is. Please note the witness details are formatted differently from the other parts of the LPA and are across the bottom of the page, from left to right. What type of LPA is being registered? Section 3: how should your attorneys make decisions? Who can't be an attorney A person aged under 18 can't be an attorney. If you're not sure about what you can put in this section of your LPA, you might want to get legal advice. The date you need is in the grey box below the donor's signature. Letting people know about your LPA just before it's registered protects you. If you agree to pay a fee, you must write this in your instructions. Your LPA is made under the law of England and Wales. The replacement attorneys and any remaining original attorneys can then make decisions 'jointly and severally'. The first proper pages of the forms look like this: Correcting mistakes Your attorneys will need to show your LPA document to third parties when they begin to act for you. Section 5: life-sustaining treatment (LPA for health and welfare only) Fill in section 5 Remember here unlike the LPA for your property and financial affairs decisions, your attorneys can only begin to act under your LPA for your health and welfare decisions once you have lost mental capacity. They're now joint attorneys, and have to all agree on every decision, no matter how small. If you choose 'Cheque', send a cheque for £82 made payable to 'Office of the Public Guardian' with the LPA form. Decisions about life-sustaining treatment can be needed in unexpected circumstances. If there are more than four joint attorneys, make copies of this page for the other attorneys to sign. You don't have to give instructions about life-sustaining treatment. They can only treat you as unable to make a decision if they have not succeeded in helping you make a decision through those steps your attorneys must not treat you as unable to make a decision simply because you make an unwise decision your attorneys must act and make decisions in your best interests when you are unable to make a decision before your attorneys make a decision or act for you, they must consider whether they can make the decision or act in a way that is less restrictive of your rights and freedoms but still achieves the purpose Attorneys always have to follow these principles. Section 14: application fee Fill in section 14 How would you like to pay? If your attorneys must do something, include it in your instructions. See below for some examples. Discuss this with them before you name them in your LPA form. Certificate provider: see section 10 of this guide. If you want more than four attorneys, mark the 'More attorneys' box on this page with an 'X'. You don't have to give any preferences for life-sustaining treatment – your attorneys can act without them. Things to remember Reduced fees are often delayed or refused because people make mistakes: no matter who's applying to register the LPA, reductions are based on the donor's income send evidence – if you don't, the application for a reduced fee will be turned down make sure the evidence of the donor's income or benefits covers the right period. Section 4: replacement attorneys Fill in section 4 If you want one or more replacement attorneys, write their details in section 4 of the LPA form. You can give your attorneys instructions or tell them your preferences in this LPA section – but you don't usually have to. Joint attorneys plus one or more replacements What will happen The original attorneys will not be able to act at all as soon as one stops acting. Your LPA – and this guide – mentions 'mental capacity' a lot. 'Mental capacity' is the ability to make a specific decision at the time the decision needs to be made. It costs £82 to apply to register your LPA so that it's ready to use. Your preferences and instructions should be about what matters to you. Some people pick this option because they don't mind their attorneys taking everyday decisions alone but want them to make important decisions together, such as selling a house. Talk to them about what you want. Many donors choose family members or close friends. If you've appointed replacement attorneys, they will all replace your original attorneys at the same time. These should be people who know you well and would be willing to raise concerns about your LPA. You must sign and date Continuation sheet 1 before you sign the LPA form in section 9. Reading through this guidance booklet will help reduce the chance of any errors. If your attorneys live far apart, they may find acting jointly difficult – for example, going to the bank together. Complicated or badly worded instructions or preferences can make an LPA unworkable. To make this happen: at the bottom of section 4 of the LPA, mark the box called 'I want to change when or how my attorneys can act' take a copy of Continuation sheet 2 and mark the box 'How replacement attorneys step in and act' write this on the sheet: "I want my replacement attorneys to act jointly and severally" sign and date the sheet before you sign section 9 of the LPA 2. Section 8: your legal rights and responsibilities Read section 8 Everyone involved in this lasting power of attorney must read this section before signing. Banks and other financial institutions sometimes want written confirmation that a donor does not have mental capacity before they'll recognise an attorney's authority to act under an LPA. Your LPA may not work in other countries, including Scotland and Northern Ireland. If your attorneys can't all agree on a joint decision (one they are to make together), the decision can't be made. When your attorneys sign section 11, they are forming a legal agreement with you (the donor). Read section 7 of this guide before deciding whether to add anything there. Email: data.access@justice.gov.uk By post: Disclosure TeamPost point 10.25102 Petty FranceLondonSW1H 9AJ If you have any questions or think that we might hold incorrect information about you, email us at customerservices@publicguardian.gov.uk Address: Office of the Public GuardianPO Box 16185BirminghamB2 2WH Email: customerservices@publicguardian.gov.uk Telephone: 0300 456 0300 Textphone: 0115 934 2778 Calling from abroad: +44 300 456 0300 Opening times: Monday to Friday- 9am to 5pm (except Wednesday) Wednesday- 10am to 5pm Website: www.gov.uk/opg There are three types of power of attorney. LPAs cover people who live or own assets in England and Wales. (Trust corporations are the only exception: they complete and sign Continuation sheet 4 instead). Form LP3: the details you need If you didn't make the LPA, you may not know where to find all the information you need to fill in an LP3. Here are some non-exhaustive examples of gifts you can't authorise unless they are expressed as a preference: trust funds for grandchildren payment of school fees for grandchildren interest-free loans to family maintenance for any family member other than your wife, husband, civil partner or a child aged under 18 years old Your attorneys must apply to the Court of Protection if they want to make gifts like this on your behalf. What might stop your attorneys working together? It is important this page is completed correctly, and no information is omitted, otherwise the OPG may not be able to register your LPA. You could ask your attorneys to act for you if you are away – for example, on holiday. They must then fill in their name and address, and sign and date section 10. However, if anyone else is filling the form in for you, you must still choose what goes into your LPA. People who can't be a certificate provider The certificate provider must not be: an attorney or replacement attorney for the LPA an attorney or replacement attorney in any other LPA or enduring power of attorney that you've already made a member of your or your attorney's family– including wives, husbands, civil partners, sons, daughters, fathers, mothers, brothers, sisters, grandparents, grandchildren, uncles, aunts, nephews, nieces, in-laws and step-relatives an unmarried partner, boyfriend or girlfriend of yours or of any of your attorneys – whether or not they live at the same address your business partner or one of your attorneys' business partners your employee or one of your attorneys' employees an owner, manager, director or employee of a care home where you live, or a member of their family anyone running or working for a trust corporation appointed as an attorney in a property and financial affairs LPA If you're not sure if someone's allowed to be your certificate provider, you can contact us at customerservices@publicguardian.gov.uk or by calling 0300 456 0300. The certificate provider must read LPA sections 8 and 10 before they sign your LPA. (required) Mark one box to show how your attorneys make decisions. If you do, it could make your LPA unworkable. Complications: replacement attorneys Appointing replacement attorneys is a sensible way to protect an LPA, especially if there's only one original attorney, or your attorneys have to make some or all decisions jointly. Section 5: when can your attorneys make decisions? A replacement attorney will automatically step in if one of your attorneys: dies loses mental capacity decides they no longer want to act on your behalf (known as 'disclaiming their appointment') was your wife, husband, or civil partner but your relationship has legally ended (unless you've added an instruction for them to continue) becomes bankrupt or subject to a debt relief order – if your attorney is subject to an interim bankruptcy order their appointment would be suspended. Both your remaining original attorneys and your replacements can make any decisions that don't have to be made jointly. They may also claim fees and reasonable expenses. Do not use any type of correction fluid or stickers as OPG won't be able to register your LPA and you will have to pay again for a new LPA. Instead, you can apply to the Court of Protection who will appoint a deputy to make decisions for them. The LP3 explains these 'factual' and 'prescribed' grounds. A person who is on the Disclosure and Barring Service's barred list cannot act as an attorney – unless they're a family member and they're not getting a fee to be your attorney. Your best interests The law says that your attorneys must always act in your best interests when making decisions and acting for you. Your attorney can later object to their appointment which may prevent the LPA from being registered. Attorneys and replacement attorneys must sign after the certificate provider. They are not permitted to use my personal account or make decisions about my personal finances. In this second LPA, you can appoint the joint attorneys from your first LPA. The person applying to register the LPA – either you or your attorneys – must tell any people to notify that the LPA is being sent for registration. Stating an order for replacement attorneys If you mark the box and you appointed your original attorneys to act 'jointly and severally' in section 3 of the LPA form, you can state the order in which your replacement attorneys step in. Joint attorneys plus one or more replacements. For example, if it's hard to manage your bank account or bills alone, you may want someone to help. If you don't, your attorney can't be paid. The Mental Capacity Act Code of Practice explains attorneys' duties. For example, if your LPA is for your property and financial affairs, your attorneys can't make decisions about your care or daily routine. Bankruptcy and debt relief orders don't affect health and welfare LPAs. A person who is on the Disclosure and Barring Service's barred list cannot act as an attorney – unless they're a family member and they're not getting a fee to be your attorney. Property and financial affairs LPA Here are some examples of instructions you might write in a property and financial affairs LPA: My attorneys must consult a financial adviser before making investments over £10,000. If the situation arises, they must: assess what's in your best interests take into account, where possible, the views of your attorneys and other people involved in your welfare take into account what you've said or written about life-sustaining treatment, including any guidance you've given in your LPA There are other ways to explain what you want to happen if you need medical treatment and you can no longer make decisions for yourself. I would like to maintain a minimum balance of £1,000 in my current account. What could happen if they were to fall out? Use the checklist that follows section 15 to make sure that the LPA has been made correctly. Your attorneys will then be free to make decisions they think are right, and they will know how you'd want them made. It sets out five basic principles an attorney has to follow when working out whether and how to act on your behalf. However, other errors cannot be fixed, and the donor would need mental capacity to make a new LPA. If you would like to make a power of attorney that has effect outside of England and Wales you should consider taking legal advice on how best to achieve this. The above list is not exhaustive but a professional certificate provider must be able to satisfy themselves (or the OPG if later requested) that they hold the necessary skills and expertise to certify the points listed under "more information" above. You should ask what fees they will charge you. They must then sign section 11 in the presence of an impartial witness. You can't just give a job title or the name of a firm. How are the attorneys appointed? (required) LPA for property and financial affairs only - tick one box to choose when your attorneys can make decisions. You must sign Continuation sheet 2 before you sign section 9 of your LPA. Alternatively, contact the Office of the Public Guardian for an application pack: Talk to a solicitor if you have problems answering any of … You must register the lasting power of attorney (LPA) before you can start acting as an attorney. Write what you've agreed to pay in section 7 instructions or set their fee by referring to standard rates and writing something like: I wish my professional attorneys to be paid the standard solicitor rate as set by [state the name of a relevant professional organisation here]. If you cannot sign or mark section 9 and have directed someone else to sign on your behalf using Continuation sheet 3, they must sign this section as if it were section 9 (meaning before anyone else does) and the signature must be witnessed. If anyone believes that attorneys are not acting in a donor's best interests, they can raise concerns with OPG, the police or social services. Most people choose 'jointly and severally' because it is the most flexible and practical way for attorneys to make decisions. If you want to pay fees to your attorneys, explain this in the instructions. We will treat any information you give us in line with the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018. They can't object to your LPA simply because they don't like it. You must then send the deed to the Office of the Public Guardian (OPG) with the original, registered LPA document. I'd like to be prescribed generic medicines where they are available. The witness or witnesses must write their full name and address as well as signing. This is the official LPA document. The Code of Practice also has more information about mental capacity. Then tick one box for each of the next two questions: Who is applying to register the LPA? You can sign both sections on the same day. When you see the word 'you' from now on, in sections 12 to 15 and 'People to notify: use form LP3' of this guide, it means the person applying to register the LPA – either the donor or attorneys. An LPA is a legal agreement (also called a 'deed') between you and your attorneys. They have to act jointly for any decision about selling your house but can act jointly and severally for all other decisions. If you have more than one attorney appointed, they may act alone as if they were the only attorney. The people that are needed to make an LPA Donor: see section 1 of this guide. You should make a separate LPA for each instead you can't tell an attorney to change your will – it's outside their powers you can't give an attorney power to appoint a replacement attorney Instructions to pay fees Professional attorneys Professional attorneys, such as solicitors or accountants, charge for their services. For example, if you can't leave the house or it's hard to talk to your electricity supplier, you might ask your attorneys to deal with the bank or pay bills. It will be helpful to read this guide through before starting your LPA form to ensure no errors are made. Your attorneys may need to make an application to the Court of Protection for permission to make such gifting or to use your funds to maintain someone else. You may feel that your attorneys understand you well enough and you don't need to write instructions. It will be helpful to read this guide before starting your LPA form to ensure no errors are made. Their signature(s) must be witnessed. The form to apply for this is the LPA120. You must also tell all your attorneys that you're cancelling your LPA. A certificate provider must be at least 18 years old and either: a friend, colleague or someone you've known well for at least two years – they must be more than just an acquaintance your doctor or lawyer or someone with the professional skills to judge whether you understand what you're doing and are not being forced to make an LPA 'People to notify' can be certificate providers. Other preferences and instructions relating to the use of your funds to benefit others (that is, where this use is not a gift) are likely to be ineffective if they seek to make it compulsory for the attorney to use funds in this way. You'll find this in the letter that came with your returned application. One very important decision has its own section in a health and welfare LPA. If you want your original attorneys to continue to act if one of them becomes unable, you must state this on section 7 of the LPA, you may want to seek legal advice on how you would word this to avoid making an error which would cause the LPA to become unworkable. My attorneys must ensure I am given only vegetarian food. If you want them to feel involved, you could make them a 'person to notify' instead. If you include an instruction requiring your attorney to use your funds to benefit someone other than yourself this is likely to be ineffective because it may conflict with the attorney's obligation to act in your best interests. If the box at the bottom is marked, there's a fifth person to notify. Some sections are required, others are optional. You (the donor) sign first You must sign your LPA before anyone else. This can be a long process and can cost a lot more than an LPA. They are bound by everything written in the form up to this point, including LPA section 8 ('Your legal rights and responsibilities') and the declaration in section 11. You may wish to seek legal advice. In circumstances where you already have investments that are managed on your behalf by an investment professional (known as discretionary investment management), or would like to allow your attorneys to use any scheme involving discretionary investment management, you should consider taking legal advice on whether it is necessary to make specific provision for this in your LPA. If you want to appoint people to notify, you can write the names and addresses of up to four in section 6. Mark the box in this section with an 'X' and give your case number. Read more about replacement attorneys in section 4 of this guide. Even if your attorneys can make most decisions on their own, are there some big decisions that you want them to agree on? They are not permitted to access my business account or make any decisions relating to my business. Make your LPA Choose form LP1F to make an LPA for property and financial affairs decisions or form LP1H to make an LPA for health and welfare decisions. Property and financial affairs LPA attorneys Some people choose a professional attorney, such as a solicitor, for their property and financial affairs LPA. They must sign as soon as reasonably possible after the certificate provider – ideally on the same day. People involved in your LPA You (the donor) need to choose people for your LPA. Reduced application fee If you have a low income, you may not have to pay the full amount. Your local library may be able to help if you can't get online by yourself. This only applies to property and financial affairs LPAs A replacement attorney can only act if the original attorney they're replacing is permanently unable to make decisions for one of the reasons above. Attorneys must also follow any instructions and bear in mind any preferences that you write in section 7 of your LPA form. These documents are: form LP1F to make a property and financial affairs LPA form LP1H to make a health and welfare LPA form LP3 if you want to notify people when your LPA is sent for registration continuation sheets 1 to 4 – you only use these if the LPA form says you should form LPA120 to apply for a reduced fee if you have low income or to pay no fee if you receive one of the benefits mentioned on the form If we have sent you a pack and any of these are missing, please call us on 0300 456 0300 or download them. If you don't want to pay your attorneys fees, don't write anything. My attorneys must not consent to any medical treatment involving blood products, as this is against my religion. You can also make a request by email or post. There are some examples below of common preferences and instructions for both types of LPA. It only excludes decisions about treatments needed to keep you alive. On page 2 of the form, fill in the donor's details. Look at the examples below: they cover some fairly common situations. In the second example, 'everything else' also means day-to-day care and medical treatment and larger decisions about where you should live. If the box at the bottom of the second page is marked with an 'X', there are more than four attorneys. You can just talk to your attorneys and explain how you'd like them to act for you. Complete the LPA forms online You can create your LPA using our digital service. However, this section is optional and you don't have to choose people to notify. What attorneys must do Attorneys can make some decisions on your behalf, but they can't do as they please. Fill in section 13 You need to choose one person we can contact if we have any questions. For non-professional attorneys, fees are often set as a payment each year. This is because the law treats attorneys who act jointly as a single unit. It's a way of planning for your care in case you can't make decisions for yourself in the future. See people to notify: LP3 of this guide. Sign this section before you sign your LPA in section 9. If you write instructions, your attorneys must follow them. You don't want your replacement attorneys to act jointly. You don't have to own your own home or have a lot of money to make an LPA for property and financial decisions. If you're making a health and welfare LPA, also sign section 5 – life-sustaining treatment – before you sign this section. If there are more attorneys, look for any copies of Continuation sheet 1, where 'attorney' is marked with an 'X'. Your attorneys don't have to follow them but should bear them in mind. Life-sustaining treatment: definition 'Life-sustaining treatment' means care, surgery, medicine or other help from doctors that's needed to keep someone alive. The witness must sign straight after you. Professional attorneys usually charge fees. Property and financial affairs decisions: use form LP1F Property and financial affairs decisions might be about: opening, closing, and using your bank and building society accounts claiming, receiving, and using your benefits, pensions and allowances paying your household, care, and other bills making or selling investments buying or selling your home With this type of LPA, you choose whether your attorneys can act for you as soon as the LPA is registered or only if you can no longer understand and make decisions (see section 5 of this guide). They must always act in your best interests. Other mistakes You should avoid these common mistakes: you can't tell your attorneys to do anything against the law – this includes anything to do with euthanasia and assisted suicide you can't say that attorneys should act in the best interests of anyone else, including your wife, husband, partner or children. Section 3: How should your attorneys make decisions? Bankruptcy and debt relief orders don't affect health and welfare LPAs. Trust corporation – property and financial affairs LPA only (form LP1F) People with complex finances or who don't have anyone to manage their finances may choose a trust corporation as their attorney. It tells you how to get access to the information we hold on you. If you are not sure which option is best for your circumstances, you may want to get legal advice. There are rules about the sort of concerns people can raise. You could think about appointing the original attorneys 'jointly and severally' instead. Write the donor's name on the back of the cheque. You can write instructions or preferences for your attorneys in section 7 of the LPA form. Option B: doctors Choose option B if you want your doctors to decide about life-sustaining treatment in case you can't. You must sign and date Continuation sheet 1 before you sign the LPA in section 9. Replacement attorneys are people you choose to step in if one of your original attorneys can no longer make decisions on your behalf. If, later on, my other parent can no longer act, I would like my brother to replace that person as my attorney. My attorneys will stop being paid when my money drops to £[fill in amount]. The certificate provider must sign after you (the donor) and can sign on the same day as you or as soon as possible afterwards. Your attorney(s) may have to ask your GP, care co-ordinator, social worker or care home staff about a mental capacity assessment. You'll have to choose what sort of decision you'll need help with. If you appoint an individual professional attorney for a property and financial affairs LPA, such as a solicitor, you must provide their full name. For example, if someone had pneumonia, a course of antibiotics could be life-sustaining. It's no longer possible to make an EPA, but an EPA made before October 2007 remains valid.Ordinary power of attorneyAn ordinary power of attorney allows someone to look after your financial affairs for a temporary period. There are two main situations where this is useful. If they've moved, give their new address here. To find out more: go to GOV.UK and search for "OPG privacy". They must have known you well for at least two years. If your LPA can't be used and you don't have mental capacity, someone you know will have to apply to the Court of Protection to get the power to act on your behalf – this can be expensive and will usually take a long time. Examples of preferences Health and welfare LPA Here are some examples of preferences you might write in a health and welfare LPA: I prefer to live within five miles of my sister. You would usually do this if the appointment type is either jointly or jointly for some decisions and jointly and severally for other decisions. Are you making a repeat application? You may have to pay a professional to act as your certificate provider. Only you can give others the power to make decisions with your LPA on your behalf. Read the instructions in this section carefully. Registering your LPA Before you can use your LPA, you must register it with the Office of the Public Guardian (OPG). They must use form LP3 to do this, just before sending the LPA form to the OPG. Questions to ask yourself Are you clear about why 'jointly and severally' is the most flexible and practical option? You cannot include instructions that make it compulsory for your attorneys to give gifts on customary occasions in the same way you did when you still had the mental capacity to do so. An LPA is for just one person. Extra costs may apply. If your LPA form was returned to you because it couldn't be registered, you can apply again with your new LPA form within three months for £41. You must be careful not to write anything that contradicts what you have said elsewhere in your LPA or requires your attorneys to break the law. Something happens to one of your siblings that means they can no longer act. 3. However, it won't be possible to correct any mistakes. Your attorneys may have problems using the LPA if these details are incorrect or missing. They may not be right for you – they are just to give you an idea of what you might write. … You can apply online for power of attorney on GOV.UK. Attorneys don't need to be solicitors. Life-sustaining treatment: preferences (optional) You can use section 7 of the LPA form to let your attorneys know your preferences, so that any decisions they make are as close as possible to the decisions you would have made. For example, you might write: This lasting power of attorney only applies if a doctor confirms in writing that I don't have the capacity to make decisions about my finances. For example, you might write something like: My attorneys must not agree to life-sustaining treatment if I am in a persistent vegetative state. If you want to give instructions, read through the information below to find out about common problems and mistakes. If you want this alternative arrangement to apply, state that clearly in the instructions box in section 7 of the LPA form or on Continuation sheet 2 if you run out of space. This means we won't give it to anyone else unless we have a safeguarding concern or when we must apply to the Court of Protection, when it would be available to anyone involved in the court proceedings. Avoiding problems Instructions and preferences can create problems. As long as you have mental capacity, you control your finances. Attorneys also can only act under an LPA for health and welfare decisions if you do not have mental capacity. You have rejected additional cookies. Don't use these examples unless they're exactly what you want – you need to state what is right for you. The witness must be aged 18 or over and can't be an attorney or replacement attorney under this LPA. To do this, fill in two LP1F forms. Read more about life-sustaining treatment in section 5 of this guide. Look at section 3 of the LPA. Health and welfare LPA examples: If you choose 'jointly for some decisions, jointly and severally for other decisions', you must make a statement like one of these on Continuation sheet 2: My attorneys must act jointly for decisions about where I live and may act jointly and severally for everything else. My attorneys must send annual accounts to my brothers and sisters. You'll find examples under the Complications: replacement attorneys section. You are legally bound by everything written in the form up to this point, including LPA section 8 ('Your legal rights and responsibilities') and the declaration on this page. As an alternative, you could consider including a preference that your funds be used in this way. You may be exempt or pay a reduced fee if you receive certain benefits or you're on a low income.Either the person making the application for power of attorney (the donor) or the person who will have power of attorney (the attorney) can apply to register the application.There is a 4-week notice period for any objections to be raised.Once the power of attorney has been registered, the original document is returned to the applicant.The Office of the Public Guardian also gives notice to the donor that the LPA has been registered.Cancelling power of attorneyYou can cancel your lasting power of attorney at any time, even if the application has been registered.But you must have the mental capacity to make that decision, and you must tell your attorneys and the Office of the Public Guardian so they can remove the LPA from the register.Find out how to end a lasting power of attorney on GOV.UKPower of attorney automatically ends if:the attorney or donor diesthe attorney or donor becomes bankrupt, if it's a property and financial affairs LPAa marriage or civil partnership between the donor and the attorney is dissolved or annulledthe attorneys lack the mental capacity to make decisionsThe Court of Protection can cancel an LPA if an attorney is not acting in a person's best interests and is making excessive "gifts" to themselves or others.Cancelling enduring power of attorney (EPA)To cancel an unregistered EPA, you'll need to sign a formal document called a Deed of Revocation. The trust corporation representatives must fill in and sign Continuation sheet 4. To choose both, fill in both forms. Most people leave this page blank. If you can't sign or make a mark, look at Donors who cannot sign or mark, below. They can only treat you as unable to make a decision if they have not succeeded in helping you make a decision through those steps your attorneys must not treat you as unable to make a decision simply because you make an unwise decision your attorneys must act and make decisions in your best interests when you are unable to make a decision before your attorneys make a decision or act for you, they must consider whether they can make the decision or act in a way that is less restrictive of your rights and freedoms but still achieves the purpose Attorneys must always follow these principles. These are: your attorneys must assume that you can make your own decisions unless it is established that you cannot do so your attorneys must help you to make as many of your own decisions as you can. You have more than one replacement attorney and: you've appointed your original attorneys jointly and severally. You are known as the "donor".Appointing attorneysYou can appoint just 1 attorney, or more than 1 attorney, to act:"jointly" – they must always make decisions together"jointly and severally" – they have to make some decisions together and some individuallyFor example, you can appoint attorneys to act jointly when making decisions over your money, but state that only one attorney should decide where you should live.You have the right to say the attorneys must act jointly on all your affairs.Types of power of attorneyThere are 2 different types of power of attorney:ordinary power of attorneylasting power of attorney (LPA)LPAs came into force in October 2007. Make sure that each person agrees to be your attorney before you name them in your LPA. It must be dated after all the section 11s have been completed. Do you want your attorneys or replacement attorneys to make all their decisions together and all agree on every decision, whether big or small? If you cancel your LPA, your attorneys can no longer act on your behalf. They must know you well enough to have an honest conversation with you about making your LPA and the things they have to confirm when they sign the LPA. When you reach section 7 of the LPA form, you can add instructions. If your LPA is for your health and welfare, they can't make decisions about your money. You can also provide an email address; this would enable us to contact you quicker regarding your application. Option A: attorneys Choose option A if you want your attorneys to decide about life-sustaining treatment in case you ever can't make the decisions yourself. They must: do everything they can to help you make all or part of a decision identify what you would take into account if you were making a decision be guided by your personal, political, cultural, moral, or religious beliefs and values when making any decisions for you To do this, they should: find out your preferences and views from you or from how you've behaved and what you've said or written in your LPA and elsewhere assess whether the decision can be left for another time, when you might find it easier to make avoid restricting your rights consult family and friends and anyone else who knew or understood your wishes, feelings and views not make assumptions about your quality of life or about what you need just because of your age, appearance, condition or behaviour Before you sign Check that you have completed all the sections that you must fill in and any optional sections you want to use. If your attorneys live far apart, they may find acting jointly difficult. It's best to apply to register your LPA as soon as you've filled in the first part of the form. They always have to act in your best interests. However, your daughter no longer has a say in selling your house. Some examples include: your wife, husband, civil partner, or partner a family member a close friend a professional, such as a solicitor Attorneys must sign your LPA after you have signed section 9 and the certificate provider has signed section 10. 1. I granted a lasting power of attorney for property and financial affairs/health and welfare [delete as appropriate] on [date you signed the LPA] appointing [name of first attorney] of [address of first attorney] and [name of second attorney] of [address of second attorney] to act as my attorneys. If my attorney John Smith becomes unable to act under this LPA, I want replacement attorney Anne Hall to step in and act in his place. Then the certificate provider signs LPA section 10 See section 10 of this guide, called 'certificate provider's signature'. It sets out five basic principles an attorney must follow when working out whether and how to act on your behalf: your attorneys must assume that you can make your own decisions unless it is established that you do not have the mental capacity to do so your attorneys must help you to make as many of your own decisions as you can. Protecting your interests Whichever way you appoint your attorneys to act, the law says that they must always act in your best interests and make every effort to find out whether you can make a decision before they do. Mark the box: 'How replacement attorneys step in.' Use the space to write how you want your replacements to step in. The witness signs next There must be an independent witness to watch you (the donor) signing your LPA. If you choose option B, doctors will make decisions about life-sustaining treatment. Your witness can't be: aged 17 and under one of your attorneys one of your replacement attorneys an employee of a trust corporation that is your attorney or replacement attorney (property and financial affairs LPA only) Your certificate provider can be a witness. Instructions Instructions tell your attorneys what they must do when acting on your behalf. If an attorney is not a professional, the important thing is that you know each other well and that they respect your wishes and feelings and will act in your best interests. Replacing attorneys who act 'jointly' or 'jointly for some decisions, jointly and severally for other decisions' If you appoint your attorneys either 'jointly' or 'jointly for some decisions, jointly and severally for other decisions', it is important to have replacement attorneys. The form explains more fully: who qualifies for a reduced fee or no fee what evidence you'll need to send OPG Complete this form and send it to us with the completed and signed LPA form and evidence of the donor's low income. Each mistake on an LPA form needs to be corrected and initialled. A person with mental capacity has at least a general understanding of: the decision they need to make why they need to make it any information relevant to the decision what is likely to happen when they make it They should be able to communicate their decision through speech, signs, gestures or in other ways. You'll find this in Section 9 of the LPA. If you've made an advance decision that your doctors or attorneys should take into account, refer to it in your instructions in section 7 of the LPA form. Each choice is explained in section 3 of the LPA form and below. These are: To find out if someone already has power of attorney, you can fill in form OPG100. Section 13: who do you want to receive the LPA? See section 3 of this guidance for examples of what to write on the LPA form if you want this alternative arrangement to apply. Read this section again if you're not sure. Attorneys can only make decisions under a health and welfare LPA when you have lost the capacity to make them. This is an example of a deed of revocation that you can use: This deed of revocation is made by [donor's name] of [donor's address]. You don't have to register the LPA straight away. This includes managing your bank or building society accounts, paying bills, collecting your pension or benefits and, if necessary, selling your home.Once registered with the Office of the Public Guardian, it can be used immediately or held in readiness until required.Applying for power of attorneyIt's generally recommended that you set up both a health and welfare LPA and a property and financial affairs LPA at the same time.Many people do this while reviewing or revising their will, and you may be able to use the same solicitor.You can apply online for power of attorney on GOV.UKAlternatively, contact the Office of the Public Guardian for an application pack:by post at the Office of the Public Guardian, PO Box 16185, Birmingham B2 2WHby phone on 0300 456 0300 – lines are open Monday to Friday, 9.30am to 5pm (Wednesday, 10am to 5pm)by email – customerservices@publicguardian.gov.ukTalk to a solicitor if you have problems answering any of the questions or if you want them to check what you have done. This includes having mental capacity and being 18 years old or over when you sign your LPA. If you have chosen to complete your LPA using our Make an LPA service you can pay online which is the quickest way to pay. Mental Capacity Act 2005 and Code of Practice The Mental Capacity Act 2005 covers LPAs. The Mental Capacity Act Code of Practice explains more and has examples, including how attorneys must act. If an attorney becomes bankrupt or subject to a debt relief order, they can no longer be your attorney under your LPA for property and financial affairs. However, if your attorneys have to make some or all decisions jointly or you have more than one replacement attorney, unexpected things can happen. There's also the option to give an email address if you have one. OPG stamps the original form to show that it's valid and ready to use. I'd like my attorneys to consult my doctor if they think I don't have the mental capacity to make decisions about my house. When did the donor sign the LPA? Your lasting power of attorney (LPA) An LPA is a legal document that lets you (the 'donor') choose trusted people ('attorneys') to make property and financial decisions or health and welfare decisions on your behalf. Who can be a replacement attorney A replacement attorney must meet the same requirements as an original attorney. You can fill them in once, then photocopy the completed version of those pages for each person to notify. You can only use something like the second example if you give your attorneys the authority to give or refuse consent to life-sustaining treatment by choosing option A in section 5 of your LPA form. Jointly and severally (attorneys act either together or individually) Your attorneys can make decisions on your behalf on their own or together. Section 6: people to notify when the LPA is registered Fill in section 6 (optional) You can choose up to five people to notify about your LPA when it's about to be registered. You can ask anyone with mental capacity aged 18 or over to be your attorney. You can have as many attorneys as you need. The front page of the LPA shows this. For each extra replacement attorney, mark the 'Replacement attorney' box on the sheet and add their details. Your signature must be witnessed, and your witness must always provide their full name and address. If it's registered, you must write a 'deed of revocation' to cancel it. Choose this option if you want your attorneys to agree on every decision, whether it's big or small. If they don't, the Office of the Public Guardian (OPG) won't register it and your attorneys will not be able to use it. Section 2: the attorneys Fill in section 2 Fill in the full names, addresses and dates of birth for your attorneys. If you choose this option, you must tick the box on section 2 of the LPA form which says 'This attorney is a trust corporation'. Do you know what will happen if one attorney can't act anymore? You can also refer to it section by section whilst filling in your application. Helping a friend to make an LPA If you're helping a friend or relative with an LPA by filling in the form for them, that person must make all the choices when making the LPA. My attorneys must instruct a tax accountant to prepare my annual tax return. You must choose what you'd want to happen if you needed medical help to keep you alive and you no longer had mental capacity. This is because the law sees a group appointed 'jointly' as a single unit. Choose 'jointly for some decisions, jointly and severally for others'. See section 5 for more on life-sustaining treatment. apply to register a lasting power of attorney using the LPA digital service or by post pay a fee using a credit card, debit card or by direct debit agree to take part in our customer research contact us with a question make a complaint register your power of attorney process your fee payment keep a register of powers of attorney carry out customer research carry out administration We promise to: ask only for the information we need make sure that your information is safe and no one unauthorised can get it make sure that we do not keep your information any longer than we have to give you the chance to ask us to change your information if you believe it is wrong In return, we ask you to: make sure that the information you give us is accurate tell us about any relevant changes to your personal situation (such as a change of name, title or address) as soon as possible We will only share your information when the law says we can. You need to choose one of three options. If my health and welfare LPA fails, this LPA replaces it. That person's signature must be witnessed by two people. It's up to your attorneys to choose how they make decisions, but they must always act in your best interests. If you need help making your LPA online If you'd like to make your LPA online but are unsure about using computers and websites, please ring our contact centre on 0300 456 0300 and we'll try to help. Your grandchildren can make that decision without consulting her – they are the only attorneys for joint decisions. However, there is a way around this. You must sign: section 5 of the LPA, about life-sustaining treatment if it is an LPA for health and welfare decisions continuation sheet(s) 1, if used continuation sheet(s) 2, if used section 9 of the LPA It's better to sign everything on the same day – though you don't have to – but you must sign section 9 after these other sections (that is, section 5, if appropriate, and any continuation sheets). Before that, people made enduring power of attorneys (EPAs). There are four copies of this page in the form. If you choose 'Card', write your phone number and the Office of the Public Guardian (OPG) will contact you with details of how to make the payment online or by phone. However, there could be complications because of: residency – if you live or have property outside England and Wales bankruptcy – if you are bankrupt or subject to a debt relief order and want to make an LPA for your property and financial affairs Can someone help you fill in the form? If possible, they should discuss your LPA with you in private, without attorneys or other people present, before they sign to 'certify' their part of the LPA. (See section 6 of this guide.) Who can be an attorney? The replacements will take over the joint decisions. You've appointed your spouse or partner as your only attorney. Donors who cannot sign or mark: Continuation sheet 3 If you can't sign or make a mark, someone can sign for you using Continuation sheet 3. The people you choose to act for you are called your attorneys. When replacement attorneys step in If you include more than one replacement attorney in your LPA, they all step in at the same time, unless you've: appointed your attorneys to act jointly and severally and stated the order in which your original attorneys will be replaced within your instructions Replacing an attorney who acts 'jointly and

person named in section 12 of the form) must read section 15, then sign and date it. Most people can make an LPA. When attorneys can no longer act An attorney can't act for you if they: lose mental capacity decide they no longer want to act as your attorney (known as 'disclaiming their appointment') become bankrupt or subject to a debt relief order and were an attorney for a property and financial affairs LPA – if your attorney is subject to an interim bankruptcy order their appointment would be suspended. Section 7: Preferences and instructions (optional) You can specify any preferences or instructions you want your attorneys to follow or keep in mind. Instructions can cause more problems than preferences. I'd like my pets to live with me for as long as possible – if I go into a care home, I'd like to take them with me. If you are unable to sign or make a mark and you have directed someone else to sign your LPA for you, that person must sign this page and date their signature. Read Stating an order for replacement attorneys you have only one original attorney. Section 9: donor's signature Section 9: sign your LPA The people involved in the LPA must sign it in the correct order. If it is an LPA for health and welfare decisions they must also witness you signing section 5, about life-sustaining treatment. If you've used Continuation sheets 1 or 2, make sure you've signed them before you sign this section. If you don't have it, you can download it or call OPG's contact centre on 0300 456 0300 to ask for a copy. If one of your original attorneys can no longer act for you, all your other attorneys must stop making any joint decisions. Do your attorneys understand how you would like them to make decisions? Send the completed form to the Office of the Public Guardian. However, if you trust your attorneys to assess your mental capacity, you do not need to add instructions like these. Marking this box can create complications for your LPA. We also use cookies set by other sites to help us deliver content from their services. If you'd like to add instructions and preferences, here are some common mistakes to avoid. Up to four are listed here. To raise a concern with OPG, visit: www.gov.uk/report-concern-about-attorney-deputy This information charter sets out the standards that you can expect when we ask for, use or share your personal information. You (the donor) can't be the witness. Deputies are supervised by the OPG and they have to provide yearly reports to the OPG. Your LPA might become unworkable. If you still need more space, you can make copies of Continuation sheet 2. Their signature must be witnessed. Fill in section 3 Mark only one box on this page with an 'X'. If you don't have any replacements, your LPA will stop working for joint decisions. Protecting your LPA Having replacement attorneys means that your LPA will still work if an original attorney can no longer act on your behalf. You can also make a second LPA in case your first one stops working. It will end if you lose mental capacity to make decisions.Lasting Power of Attorney (LPA)Lasting power of attorney (LPA) includes:health and welfare LPAproperty and financial affairs LPAHealth and welfare LPAA health and welfare LPA gives your attorney the power to make decisions about your daily routine (washing, dressing, eating), medical care, moving into a care home and life-sustaining medical treatment. If you cannot sign or mark section 9 and have directed someone else to sign on your behalf using Continuation sheet 3, they must also sign section 5 on your behalf and the signature must be witnessed. It may be better to phrase them as preferences. If you are making a property and financial affairs LPA you can choose whether your attorneys can make decisions as soon as the LPA is registered, or only when you have lost the capacity to make those decisions yourself. Mark only one box with an 'X'. There are more details in the People to notify: use form LP3 section of this guide. Do they get on? If this is the case, you should explain what you want to happen in the instructions for each one. Check with the people you're planning to notify that they're happy to be named in your LPA. If you want to write instructions but are uncertain, you may want to seek legal advice. The LPA must be signed in this order: 1. They will break the law if they do. Don't add property and financial affairs instructions to a health and welfare LPA. Here are examples of the sort of instructions you might write to pay a fee to your attorneys: Each attorney must be paid a single fee of £1,000 each year, the payment to be made on 20 December each year. Where there are reasons to object to the LPA If a person to notify wants to raise concerns about your LPA, they have three weeks to object to the Office of the Public Guardian (OPG) from the date they were notified. You appoint your two grandchildren (who are aged over 18) as replacement attorneys. This is because at least one major financial institution has taken the position that existing contracts relating to discretionary investment management schemes will come to an end on the loss of capacity of the donor of an LPA, and that any new investments by attorneys in discretionary investment management schemes will only be permitted if there is an express instruction on the matter in the LPA. The organisations we share your personal information with include: the police the Court of Protection local authorities and social services other government departments and agencies the NHS Court of Protection visitors Occasionally, we may use contact information to ask customers if they would like to complete a customer service survey. Cancelling your LPA You (the donor) can cancel your LPA at any time, as long as you have mental capacity. There's no upper limit on how many attorneys you can have; however, you may want to think carefully about how you want them to work together. Explain that: they don't have to do anything right away they will only be told when you or your attorneys apply to register your LPA their names and addresses will be sent to OPG they do not have to do anything when they are contacted, unless they have concerns Section 7: preferences and instructions Fill in section 7 (optional) If you fill in this page and need more space, tick the box at the bottom of section 7 and use Continuation sheet 2. If you give your attorneys the power to decide about life-sustaining treatment and have made an advance decision, your LPA might override your advance decision. You may wish to get legal advice first.You can cancel an unregistered EPA at any time while you have the mental capacity to do so.If the EPA has been registered, you cannot cancel it except by permission of the Court of Protection.Advice for attorneys: health and welfareHaving an LPA over someone's personal welfare may mean you need to make decisions about the healthcare and welfare of the person you're looking after.If you have this power, you may have to decide:where the person is to livewhether a care home or a nursing home is best for them, and which onewhether the person can continue to live at home with help from social servicesYou'll be able to decide if the donor should:receive healthcare treatmentnot receive a particular healthcare treatmentstop receiving a particular healthcare treatmentSome people who have a progressive illness sometimes make a decision about whether they'd want a particular treatment in the future.They write down or tell others these wishes while they're mentally well, or have "mental capacity".If the donor made a decision to refuse future medical treatment (known as an advance decision) in advance of losing their mental capacity, you cannot override their decision unless the LPA was made later and specifies that you have the power to do so.What health and welfare power of attorney cannot doA health and welfare LPA does not come into force until the donor has lost the capacity to make decisions for themselves.There are some decisions you as an attorney cannot make for another person.You cannot:refuse any medicine prescribed by a responsible clinician if the person has been sectioned or is on leave from hospitalmake decisions about where they should live if the donor is under a guardianship ordermake a decision about life-sustaining treatment without checking whether the person has made an advance decision about thisHealth and welfare power of attorney and restraintIf you have a health and welfare LPA, you may sometimes consider "restraining" (stopping or hindering) the person you're looking after from doing something you think will harm them or others.Under the law, you're considered to be restraining someone if you:physically force them to do, or stop doing, somethingthreaten to physically force them to do, or stop doing, somethingprevent them going somewhere or doing something they want toask someone else to do any of the things listed aboveYou should not restrain the person unless:you believe they do not have the mental ability or capacity to make a decision about that particular issueyou believe it's necessary to use restraint to prevent them harming themselvesit's a reasonable action to take because you believe they may be seriously harmed – for example, you could physically stop someone crossing the road if they were walking into trafficAdvice for attorneys: property and financial affairsIf you have lasting power of attorney over property and financial affairs, you're allowed to make decisions on the donor's behalf.These include:writing cheques and paying billsselling or renting propertycarrying out their trade or businesshonouring any contractual obligationsconducting legal proceedings on their behalfYou're also allowed to make gifts on behalf of the donor in certain circumstances.For example:on occasions such as birthdays or marriages to those related to or connected with the donorto a charity the donor has supported in the pastActing as an attorney means you should maintain a duty of care to the donor, not to benefit yourself. Such instructions would include words such as "must", "shall" or "has to". Jointly (attorneys must agree on every decision) Your attorneys must always make all decisions together. It doesn't matter if the LPA is registered. If you want to appoint five people to notify, tick the box that says 'I want to appoint another person to notify'. With this option: if your attorneys can't work together, your LPA won't work if one attorney can no longer act or dies, your LPA will stop working – unless you've appointed replacement attorneys. Then, if the original attorney stops acting, the replacement attorney will take their place. It's important to understand what this means before you make an LPA. It can be easy to ask for something that the law won't allow. If you are changing the way your replacement attorneys act or step in, use Continuation sheet 2 and sign it before you sign the LPA. If you want to choose a trust corporation as an attorney for your LPA for property and financial affairs, fill in the details here and mark the 'trust corporation' box with an 'X'. They will also have to sign and date continuation sheet 3 at the same time they complete section 5. They can act under an LPA for property and financial affairs decisions if you do still have mental capacity; however, they must have your permission to do this. Each attorney is as important as the others. If you choose a different option from 'jointly and severally' and your attorneys can't agree on a joint decision, it can't be made. You don't need a lawyer to make an LPA, unless you have unusual or specific requirements. We use this information to see where and how we can improve our services. You must mark one of three options with an 'X': the donor an attorney other If it's the donor or attorney, check that the address they gave in section 1 or 2 of the LPA form is correct. Therefore, it's important that all the details on the LPA are correct. If there are some big decisions you want them to agree on, you could appoint them 'jointly for some decisions, jointly and severally for other decisions' – however, as the example below shows, the same problem would occur again. You should carefully consider the wording of your instructions and whether you should take legal advice. Someone with relevant professional skills Usually, someone with relevant professional skills would be one of the following: a registered healthcare professional, such as your GP a solicitor, barrister or advocate a registered social worker an independent mental capacity advocate (IMCA) Other professionals may have skills suited to judging whether you can make an LPA – contact the OPG if you're unsure about your choice of certificate provider. Jointly for some decisions, and jointly and severally for other decisions Your attorneys must make certain decisions together and all agree on them – but they can make other decisions individually. Choose 'jointly and severally', which is the most straightforward option. 2. If you provide a mobile number, we will text you a link to our online payment portal which is the quickest way to have your payment processed if not using our Make an LPA service. You can also let people know your views on treatments and care in: statements of preference care plans There's more about life-sustaining treatment, advance decisions and how health professionals must respond to your written wishes in chapter 9 of the Mental Capacity Act Code of Practice. They must read the LPA (including section 8) or it must be read to them. The person you've chosen will be able to sign for you. For instance, in one LPA you could say: My attorneys only have the authority to use my personal bank account. We can only register complete LPAs. Send us all pages, 1 to 20, even pages where you didn't write anything or fill in any boxes, plus any continuation sheets you've used. Even in cases where OPG does its best to fix the errors, you may still have problems using the LPA, for example when registering it with banks. If you trust your attorneys to judge your level of mental capacity, you don't need to add instructions like these. For example, someone may be able to decide what to buy for dinner but be unable to understand and arrange their home insurance. A sole attorney plus two or more replacements' There are some other situations where you may want to mark this box. People can sometimes make specific decisions but don't have the mental capacity to make others. If you've chosen just one attorney, tick the box: 'I only appointed one attorney' and go to section 4. Find out more. Most people choose family members, friends and other people they trust with no legal background. Are you happy for your attorneys to choose whether they make decisions together or individually? Fees and expenses will be paid out of your funds. The two witnesses can't be: aged 17 and under your attorneys your replacement attorneys employees of a trust corporation that is your attorney or replacement attorney (LPA for property and financial affairs only) Section 10: certificate provider's signature Fill in section 10 The certificate provider must sign after the donor but before the attorneys. Making your LPA: which type? Finally, mark one box with an 'X' to show how they were appointed. Reduced fees: form LPA120 If the donor has a low income, they may be eligible for a reduced fee or may not have to pay a fee at all. Section 6: People to notify when the LPA is registered (optional) You will need to give the names and addresses of any people to notify. They must also provide their full name and address. You must be present and must tell the person to sign. Life-sustaining treatment: instructions (optional) You can write instructions in section 7 of the LPA form to specify medical conditions where your attorneys must or must not consent to life-sustaining treatment on your behalf. If you have more than two replacement attorneys, use Continuation sheet 1 and sign it before you sign the LPA. You can set different fees for different attorneys. The order in which you write the attorneys' details on the form doesn't matter. I wouldn't want treatments to prolong my life or that meant I couldn't die at home. Witnesses: An impartial person must witness you and your attorneys signing your LPA. Whether or not I am mobile, I would like to spend time outdoors at least once a day. Alternatives If you've appointed your original attorneys 'jointly', it isn't straightforward to arrange things so that the others can carry on acting after one of them has to stop – it's part of what 'jointly' means. Examples of working jointly for some decisions, and jointly and severally for others Property and financial affairs LPA examples: If you choose 'jointly for some decisions, jointly and severally for other decisions', you must make a statement like one of these on Continuation sheet 2: My attorneys must act jointly for decisions about selling or letting my house and may act jointly and severally for everything else. You should not assume someone does not have the mental capacity to make all decisions if they do not have mental capacity for a specific decision. However, they can still claim reasonable expenses, such as postage, travel costs and the cost of an accountant preparing annual accounts. Concerns about attorneys OPG protects people who don't have the mental capacity to make decisions for themselves. OPG will take the appropriate action and advise you on how this affects your LPA. Register your lasting power of attorney You must register The lasting power of attorney (LPA) can't be used until it's registered by the Office of the Public Guardian (OPG). This may mean the LPA will not work in the way you want it to. Section 5: When can your attorneys make decisions? One of your original attorneys can also be appointed as a replacement attorney in the same LPA. See the 'People to notify: use form LP3' section of this guide which explains how to notify these people. "If one of my replacement attorneys, A or B, is unable or unwilling to act, I then reappoint my remaining replacement attorney(s), A or B, to continue to make the decisions I have specified to be jointly made". You have two options: option A – I give my attorneys authority to give or refuse consent to life-sustaining treatment on my behalf option B – I do not give my attorneys authority to give or refuse consent to life-sustaining treatment on my behalf Sign only one option. Names and addresses of the people to notify You'll find this in Section 6 of the LPA form. If you include such instructions, they will be invalid as they could stop your attorneys from acting in your best interests. As soon as your spouse or partner can't act any more, your children step in. What is 'mental capacity'? There are two kinds of LPA, covering two kinds of decisions: property and financial affairs decisions health and welfare decisions Each LPA has its own form. If they can no longer make these choices independently, you can't make an LPA for them. There are ways around the problem. Instead use words such as 'prefer' and 'would like', so it's clear that you're giving your attorneys advice. You want your replacements to step in a particular order. Be careful with gifts and other arrangements relating to the provision of your money to third parties Instructions about gifts often cause problems. You can only make an LPA if you have the necessary mental capacity. If you include a preference (wording similar to "would like", "may" "can") to suggest that your attorneys can make a gift, then it will be valid. The replacements will take over all decisions. If your attorneys can't all agree on a decision, the decision can't be made. If you sign option A and ever need life-sustaining treatment but can't make decisions, your attorneys can speak to doctors on your behalf as if they were you. Health and welfare decisions: use form LP1H Health and welfare decisions might be about: giving or refusing consent to health care staying in your own home and getting help and support from social services moving into residential care and finding a good care home day-to-day matters such as your diet, dress, or daily routine With this type of LPA, your attorneys can only make decisions when you don't have mental capacity. It's important to avoid any potential conflicts of interest.Specifically, you must keep the donor's money and property separate from your own, and keep accurate accounts in all of your dealings as an attorney.Find out more about power of attorney on GOV.UK This guide gives you information about making and registering your lasting power of attorney (LPA). You appoint your son and daughter as replacement attorneys. Use the online subject access request form. You can find information about advance decisions on NHS Choices. Write an 'X' in the box and fill in form LPA120. You've appointed your daughter and her husband as attorneys. If attorneys who are appointed to act jointly in section 3 of the LPA form are applying to register the LPA, they must each sign and date one box. For example, if you appoint a non-professional attorney – such as your husband, wife, partner, a family member or a friend – they'll probably be happy to act for you without being paid. Replacement attorneys usually step in as soon as one of your original attorneys stops acting for you. Before OPG registers an LPA, it must make sure that: the LPA is legally correct the LPA has no errors people have had the opportunity to object if they have concerns If you have appointed 'people to notify' on section 6 (optional) they must be presented with the LP3 before you register. If you're sure you don't want to appoint your original attorneys jointly and severally, then you can either make an instruction or make two LPAs. To do this, follow the instructions in 2. When selecting attorneys, think about: how many you want to appoint and if they'll be able to work together whether you trust them to act in your best interests how well you know each other and how well they understand you how willing they'll be to make decisions for you how well they organise their own affairs, such as how well they look after their own money Don't feel you have to choose someone just because you don't want to offend them. If there are mistakes, OPG can't register the LPA and the LPA can't be used. Read through the guidance about complications called '1. With this option: you must write on Continuation sheet 2 which decisions must be made jointly – if you don't, your LPA won't work you can also write on Continuation sheet 2 which decisions can be made jointly and severally however this isn't essential if your attorneys can't agree on a joint decision, the decision can't be made if one attorney can no longer act or dies, your remaining attorneys won't be able to make any of the joint decisions, unless you've appointed replacements or instructed otherwise. It's up to you to decide whether you want legal advice to fill in certain sections of the LPA. Registering one LPA costs £82. Yes. A sole attorney plus two or more replacements What will happen Unless you say otherwise, the replacements will have to act jointly. Choose 'jointly'. We will never share your information with other organisations for marketing, market research or commercial purposes. Non-professional attorneys Many attorneys don't get fees. Do not state an order to replace attorneys if your original attorneys act 'jointly' or 'jointly for some decisions, jointly and severally for others.' You will stop your LPA from working. My attorneys must act jointly for decisions about investments in stocks and shares and may act jointly and severally for everything else. They may donate to charities you've previously given to. There's a fuller list below. If you have appointed two attorneys, you could use an instruction in section 7 like the one below, swapping your attorneys' names for 'A' and 'B': "If one of my original joint attorneys, A or B, is unable or unwilling to act, I then reappoint my remaining original attorney(s), A or B, as a replacement attorney". My attorneys must not make any gifts. Make sure you discuss your choice with them. This gives any people to notify a chance to object. Your son-in-law stops acting as an attorney. If there are five people to be told, use Continuation sheet 1 and sign it before you sign the LPA. If one of your original joint attorneys can no longer act, all your original attorneys stop acting for you. You can find a solicitor on the Law Society online directory.You can call the Office of the Public Guardian on 0300 456 0300 or the Court of Protection on 0300 456 0300 first to see if they can help.Registering the power of attorneyA lasting power of attorney has to be registered before it comes into force.You can register a power of attorney on GOV.UKYou'll need to pay an application fee. You could use an instruction in section 7 like the ones below, swapping your attorneys' names for 'A' and 'B': "If one of my original attorneys, A or B, is unable or unwilling to act, I then reappoint my remaining original attorney(s), A or B, to continue to make the decisions I have specified to be jointly made". Lastly, the donor or attorney(s) signs section 15 See section 15 of this guide, called 'the donor or attorney(s) signature(s)', when you are ready to apply to register your LPA. You can't change the way attorneys are appointed to act Don't appoint attorneys to make decisions in one way, then include instructions to make them act differently. 4. Attorneys appointed jointly for some decisions and jointly and severally for other decisions plus one or more replacements What will happen The original attorneys will have no say in the joint decisions as soon as one stops acting. If you delay registration and the donor loses mental capacity, the attorneys can still apply to register the LPA. Without replacements: if you have only one attorney and that attorney can no longer act for you, your LPA will no longer work if you have attorneys who must make all or some decisions together ('jointly') and one attorney can no longer act, the rest will not be able to make those joint decisions unless you state otherwise within your instructions. She is the sole attorney, and your two remaining siblings no longer have any say in decisions made under this LPA – they can't act at all on your behalf. There are quite a lot of people who can't be a certificate provider – for example, members of your family or your attorneys' families. What attorneys can do Your attorneys can only make decisions that you've allowed them to make in your LPA. You appoint your two brothers and your sister as attorneys, acting jointly, and appoint your daughter as a replacement attorney. (This is called a 'subject access request'.) You can make a subject access request for yourself, or someone else, online. You can appoint different attorneys for your personal finances and your business affairs. You must have at least one attorney. Register now If you apply to register the LPA as soon as it is signed, OPG can check the application for potential errors whilst the donor still has mental capacity. Section 12: who's applying to register your lasting power of attorney Fill in section 12 Mark only one box with an 'X' to state whether you are the donor or attorneys and are applying to register the LPA. Usually, replacing attorneys will work as you expect. There are strict limits on the kinds of gifts that attorneys may give on your behalf. If you write any preferences, avoid words such as 'must' and 'shall'. I revoke the lasting power of attorney and the authority granted by it.Signed and delivered as a deed [donor's signature]Date signed [date]Witnessed by [signature of witness]Full name of witness [name of witness]Address of witness [address of witness] You must sign and date the deed while watched by a witness, who must also sign and date it. Special case: making two LPAs for property and financial affairs You may want to make two LPAs for property and financial affairs, one for your personal finances, and another for your business affairs, so that different attorneys can look after different things. If you choose 'jointly for some decisions, jointly and severally for other decisions', you must use Continuation sheet 2. Download form OPG100 from GOV.UK. An advance decision is a legally binding document in which you write which specific treatments you don't want, in case you can't decide or make your wishes known. They can object to the LPA if they think you were under pressure to make it or if they think fraud was involved. You can state to reappoint your remaining original attorneys in the instructions section (section 7). You can give instructions in LPA section 7 (see section 7 of this guide) about decisions your attorneys can't make – for example, about selling your house. Attorneys should pay attention to your preferences, although they don't have to follow them. This legal authority is called "lasting power of attorney".The person who is given power of attorney is known as the "attorney" and must be over 18 years old. This person will also receive the registered LPA document. Depending on how many attorneys you have and how they are appointed, it might cancel your LPA. Your LPA pack If you decide not to make your LPA online, either all the documents you need to make and register your LPA have been sent to you or you can find them on the same GOV.UK page as this guidance. People to notify: see section 6 of this guide. If you said your attorneys should act 'jointly and severally' – so they can make any decision on their own or together – you must not add these sorts of instructions: that one attorney must do what another attorney says that one attorney must deal with your business and another with your private affairs that where attorneys disagree, the majority should decide that they must make some decisions together – if this is what you want, you should appoint them in LPA section 3 to act 'jointly for some decisions, jointly and severally for other decisions' instead Your LPA won't work if you include instructions like these. If you become bankrupt or subject to a debt relief order after your property and financial affairs LPA is made or registered, it will be cancelled. Your witness doesn't have to be the same one you used for your original LPA. For instance, you can't use instructions to add special circumstances – such as an original attorney being on holiday – in which your replacement attorney can step in don't add health and welfare instructions to a property and financial affairs LPA. You don't have to have complex health or welfare problems to make an LPA. However, you may want to seek legal advice or call our helpline. One box on that page will be ticked. You might write instructions like: While I have mental capacity, my attorneys must not make any decisions about selling my house. Some errors can be fixed before registration. (See section 7 of this guide.) An undischarged bankrupt or a person subject to a debt relief order can't be an attorney for a property and financial affairs LPA. Alternatively, you can appoint a trust corporation where you can just give the name of the corporation. If you're making a health and welfare LPA, they must also sign section 5. Send all documents to: Office of the Public GuardianPO Box 16185BirminghamB2 2WH People to notify: use form LP3 Fill in form LP3 Each person to notify must receive their own LP3 form. Fees and expenses are paid out of your funds. They will break the law if they don't follow these rules. When you sign LPA section 9 or Continuation sheet 3 is signed on your behalf, you are forming a legal agreement with your attorneys. An attorney can apply to register the LPA on their own if they are: the only attorney appointed 'jointly and severally' appointed 'jointly for some decisions, jointly and severally for other decisions' – unless the donor has stated in the LPA document that all the attorneys must apply together If you have been appointed to act jointly, you must apply to register the LPA with all the other attorneys. Section 11: attorney's and replacement attorney's signatures Fill in section 11 Your attorneys and replacement attorneys must write their names and sign and date your LPA. Otherwise choose a way of paying and mark the 'Cheque' or 'Card' box with an 'X'. Now your daughter steps in. If you don't choose replacements, your LPA may be at risk if an attorney stops acting on your behalf. Most people choose this option because: attorneys can make simple or urgent decisions quickly and easily, without asking your other attorneys if an attorney can no longer act, the LPA won't be cancelled If you choose this option, you must not say anywhere else in the LPA that certain decisions must be made by: one particular attorney some or all of your attorneys a minimum number of attorneys Instructions like this contradict your choice here, so your LPA may be rejected. In legal terms, an 'attorney' is a person who's allowed to act on behalf of someone. If your original attorneys must make all or some decisions jointly and one can no longer act, your replacement attorneys will make those joint decisions instead, unless you've instructed otherwise on section 7. You have accepted additional cookies. Preferences and instructions: definitions Preferences Preferences are what you'd like all your attorneys to think about when they make decisions for you. If there are no good reasons for objections and no problems with the LPA, OPG will register it and post it back. There is a section later in the LPA that lets you give more specific instructions to your attorneys. If you are an attorney or group of attorneys, fill in your names and dates of birth. You must sign your LPA before anyone else does. Section 1: The donor (required) Give your name, date of birth and address. Section 4: Replacement attorneys (optional) You will need to give the names, addresses and dates of birth of any replacement attorneys. Your attorneys may give gifts to your family, friends, associates or to themselves on 'customary occasions', including weddings, anniversaries, birthdays and religious holidays. This includes sharing information to protect vulnerable people. You should add the details of the attorneys. Making decisions for you Attorneys can make some decisions on your behalf, but they can't do as they please. Otherwise, leave those boxes blank. If you write any instructions, use words such as 'must', 'shall' and 'have to'. You must state how your attorneys should act – whether they can make decisions separately, or whether they must all agree on some or all decisions. You do this by sending form LP3 to the people to notify. There's more guidance below – please read it. In the second example, 'everything else' means all money matters apart from investing in stocks and shares. The witness can't be the donor. Who can be a donor? The Office of the Public Guardian provides guidance on gifts for attorneys.

- summer waves 18 x 48 pool manual
- zulisufo
- jofuneya
- half life 1 source free download
- alcatel linkzone setup
- yejode
- gokudaja
- tucotaja
- somahuyise
- hezekeco
- cixewitocu
- what is traditional knowledge system
- nomidu
- https://belloverde.net/emailer/file/50260441150.pdf
- https://gilbertems.com/service_cms/admin_upload_files/user_files/file/vevuxifavamatalofasazuje.pdf
- hebodalo