

# Lasting power of attorney

## Information sheet – the people involved

You are the person giving the lasting power of attorney. You are referred to as the Donor. To complete your lasting power of attorney, you need the following people involved:

- at least one person to act as your **attorney**
- at least one **certificate provider**
- at least one **person to be told** or a second certificate provider
- at least one **witness**.

**Your attorney(s)** The people you want to make decisions for you. Attorneys do not have to have any legal knowledge or training.

*How many?* You must have at least one attorney, and you can have as many as you like. (Note, however, that too many attorneys might make things difficult in practice.)

**Your replacement attorney(s)** The people you want to make decisions for you when your attorney(s) cannot act for you any more.

*How many?* You don't have to appoint any replacement attorneys, but you can have as many as you like.

**The people to be told** Adults who know you well. Before your lasting power of attorney is registered, the 'people to be told' are given an opportunity to raise any concerns or objections.

Your attorney(s) or replacement attorney(s) cannot also act as a person to be told.

*How many?* You do not have to have any people to be told, but you can have up to five. If you don't have any, you must have two certificate providers.

**A certificate provider** An independent person who is able to confirm that you understand the significance of your lasting power of attorney. They must have known you well for at least two years, or have relevant professional skills to enable them to confirm that you understand the significance of your lasting power of attorney (for example, your GP or solicitor). They also need to certify that no undue pressure or fraud is involved in the making of the lasting power of attorney.

Your attorney(s) or replacement attorney(s) cannot also act as a certificate provider.

A person to be told **can** act as a certificate provider.

*How many?* You must have at least one certificate provider. If you decide not to have any people to be told, you must have two certificate providers.

**Independent witnesses** The people who see your lasting power of attorney being signed, and who then sign themselves to confirm that it was signed in their presence.

*How many?* When you sign at the end of part A your signature must be witnessed. Your certificate provider or person to be told **can** act as a witness. Your attorney(s) or replacement attorney(s) **cannot** act as a witness.


When your attorney(s) sign part C their signature(s) must be witnessed. Another attorney, your replacement attorneys, or a certificate provider **can** also act as a witness to the attorney's signature.


This lasting power of attorney is in three parts which must be filled in, signed, and dated in this order:


### A You fill in, sign, and date part A.


- **You** fill in the details of who you want to act as your **attorney(s)** (and **replacement attorneys**, if any), and how you want them to make decisions for you.
- **You** fill in the details of any **people to be told** when your lasting power of attorney is registered.
- If you are completing a health and welfare power of attorney **you** and a **witness** sign to indicate your preference around **life sustaining treatment**.
- **You** and a **witness** sign at the end of part A (the date of signature on part A **must** be before or the same as the date of signature on parts B and C).

#### Continuation sheet?


Your lasting power of attorney has space for two attorneys, one replacement attorney, and two people to be told. If you would like more attorneys or people to be told, fill in continuation sheet A1 where you see this symbol .

 Use continuation sheet A2 if you require more space for joint decision making, restrictions, guidance or charges for services.



 Use continuation sheet A3 if you can't sign or make a mark.

 Fill in, sign and attach each continuation sheet **to the end of** your lasting power of attorney. Continuation sheets cannot be added after part A has been filled in and signed.

### B Your certificate provider fills in, signs, and dates part B.

- If you decided not to have any people to be told when your lasting power of attorney is registered, your second certificate provider fills in continuation sheet B .

### C Your attorney(s) and any replacement attorney(s) sign part C.

- **Your attorney(s), replacement attorney(s) and their witness(es)** sign part C.
- If you have more than one attorney or replacement attorney, they should sign photocopies of part C .
- If you are completing a property and financial affairs lasting power of attorney, and you are appointing a trust corporation as attorney or replacement attorney, the person signing on behalf of the trust corporation signs continuation sheet C .

Helpline

**0300 456 0300**



**direct.gov.uk/mentalcapacity**

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