STEP-BY-STEP GUIDE


&

Completing the LPA Application Form (2014)
INTRODUCTION

Who is this guide for?
This guide is for individuals looking to make a Lasting Power of Attorney (LPA) using the LPA Form 1 (2014) to appoint a trusted individual(s) to look after their personal welfare and/or property and affairs matters, in the event they lose their mental capacity.

What is an LPA?
An LPA is a legal document that allows you to voluntarily appoint someone you trust to make decisions and act on your behalf should you lose the mental capacity to do so in the future. In an LPA, you will be legally known as the “donor” and the person(s) you appoint to make decisions on your behalf is known as your “donee(s)”.

What decisions are covered by an LPA?
You can appoint your donee(s) to make decisions for the following matters:

(a) Personal welfare matters: cover decisions relating to your care and lifestyle needs, etc.
(b) Property and affairs matters: cover decisions relating to your bank accounts, insurance, property and other assets.

Who can make an LPA?
If you are 21 years old and above and have mental capacity, you can make an LPA. You must also not be a bankrupt if your LPA relates to property and affairs matters.

Who can be your donee(s)?
The donee(s) you appoint must be 21 years old and above. If you are appointing donee(s) to act for you on property and affairs matters, your donee(s) must not be a bankrupt.

Please note that the LPA Form 1 (2014) allows for the appointment of a maximum of two donees. The appointment of a second donee is optional.

What if my donee(s) is unable to act for me?
In the LPA Form 1 (2014), you may appoint only one replacement donee to take over from your originally appointed donee(s) in the event that they are unable to act on your behalf due to reasons stipulated in the Mental Capacity Act, for example, a loss of mental capacity or death. The replacement donee you appoint must be 21 years old and above and not be a bankrupt if your LPA relates to property and affairs matters. The appointment of a replacement donee is optional.

Why should I make an LPA?
You should consider making an LPA now as it allows you to plan ahead for:
(a) the decisions you want to be made on your behalf in the event you lose the mental capacity to do so;
(b) the specific person(s) you want to make those decisions for you; and
(c) how this person(s) make those decisions.

What must you consider before making an LPA using LPA Form 1 (2014)?
You must decide who you wish to appoint to make decisions for you in the event you lose your mental capacity, and decide on the person(s) whom you trust to make these decisions and act for you then. You must inform the person(s) whom you wish to appoint as your donee(s) and seek his consent.

Please note that if you use LPA Form 1 (2014), you will give your donee(s) very wide powers to decide on your behalf with regard to your personal welfare and/or property and affairs matters.

If you have specific requirements and/or wish to appoint more than 2 donees and/or more than 1 replacement donee, the LPA Form 2 (2014) should be used and a lawyer will have to draft the powers of the donee(s) in the Annex to Part 3 of that Form.

This guide will take you through the process of filling up the LPA Form 1 (2014) and the LPA Application Form (2014).

You should also refer to the LPA Information Sheet (2014) for further information on the LPA Form 1 (2014).
Completing the Lasting Power of Attorney Form 1 (2014)
Important
You must read and understand the prescribed information, which provides an overview of the legal instrument you are making.

As the instrument is made in English, you should obtain the assistance of a translator if you have difficulty understanding it.
Part 1: Donor’s Particulars & Statement
In Part 1, you will have to fill in your particulars and sign and seal against the statement before the LPA Certificate Issuer as your witness.

Completion Tip
If you had required the assistance of a translator who had read and translated the contents of the instrument to you, please fill up this section and have the translator sign off here.

Important
If the translator is the LPA Certificate Issuer, please ensure that the box is ticked.

Note
Do not write or sign in the space reserved for official use by the Office of the Public Guardian.
Part 2: Donee’s & Replacement Donee’s Statement & Particulars

Here in Part 2, you will have to fill in the particulars of your donee(s) who will make decisions for you when you are unable to, and also indicate in the appropriate checkboxes the areas of decision making powers granted to them.

You will also indicate whether you wish to appoint a replacement donee to take over as donee when the original donee(s) is unable to act for you. The appointment of a replacement donee is optional.

Completion Tip

If you have one donee, please delete the option ‘1st’. If you have two donees, please delete the option ‘Only’.

Important

If you wish to appoint more than two donees, please use the LPA Form 2 (2014) instead.

Completion Tip

This is where you indicate the scope of your donee’s powers in this document. Please tick the appropriate checkbox.

Note

Do not write or sign in the space reserved for official use by the Office of the Public Guardian.

Remember!

Donor will have to sign at the bottom right corner of this page as indicated.
Part 2: Donee’s & Replacement Donee’s Statement & Particulars (cont’d)

Your donee(s) and replacement donee (if applicable) will have to sign and seal against the statement to consent to their respective appointment(s) before a witness.

Details of the witness must also be filled up in the appropriate fields.

This witness must also be the translator if the donee(s)/replacement donee requires translation of the document content.

Important
Your donee must read and understand the prescribed information.

Completion Tip
Remember to tick the checkbox if a translator was used.

Completion Tip
Particulars of your 2nd donee, if applicable, will have to be filled up here. If no 2nd donee is appointed, the respective section must be struck through neatly. E.g.

Note
Do not write or sign in the space reserved for official use by the Office of the Public Guardian.

Remember!
Donor will have to sign at the bottom right corner of this page as indicated.
Part 2: Donee’s & Replacement Donee’s Statement & Particulars (cont’d)

If you have appointed a replacement donee, you will have to decide how and who the replacement donee is to replace, in the event that the originally appointed donee(s) is unable to act on your behalf due to reasons stipulated in the Mental Capacity Act.

Completion Tip
Remember to tick the appropriate checkbox to indicate how and who the replacement donee is replacing.

Completion Tip
If no replacement donee is appointed, the respective section must be struck through neatly. E.g.

Remember!
Donor will have to sign at the bottom right corner of this page as indicated.

Note
Do not write or sign in the space reserved for official use by the Office of the Public Guardian.
Part 3: Powers Granted to the Donee

In Part 3, you will detail the specific powers your donee(s) will be given and whether or not there are any conditions and/or restrictions to be applied. The powers may be for:

(a) **Personal welfare** to deal with matters such as:
- Where you should live or who you should live with, and
- Day-to-day care decisions, etc.

(b) **Property and affairs** to deal with matters such as:
- Your property, and
- Your bank accounts, CPF accounts, insurances, etc.

**Completion Tip**
Where you have appointed two donees, you must indicate whether they are to act jointly or jointly and severally. If you have appointed only one donee, you do not need to tick any of the boxes.

**Note**
“Property” in Part 3B (c) includes all forms of monetary assets owned by you.

**Note**
Do not write or sign in the space reserved for official use by the Office of the Public Guardian.
Part 3: Powers Granted to the Donee (cont’d)

Under Part 3C, your donee(s) will also be granted specific powers so as to ensure that they are able to carry out various administrative procedures related to a decision made on your behalf.

Note

Do not write or sign in the space reserved for official use by the Office of the Public Guardian.

Remember!

Donor will have to sign at the bottom right corner of this page as indicated.
Part 4: LPA Certificate

Part 4 of the LPA must only be completed by a Certificate Issuer prescribed in the Mental Capacity Regulations, who can be any one of the following:

(a) a medical practitioner who is accredited by the Public Guardian;
(b) a psychiatrist; or
(c) a practicing lawyer.

The choice of a Certificate Issuer is yours and you may wish to visit the following websites to locate a suitable Certificate Issuer:

(a) Office of the Public Guardian website: www.publicguardian.gov.sg
(b) Singapore Medical Council website: www.smc.gov.sg
(c) The Law Society of Singapore website: www.lawsociety.org.sg

You have to ensure that the Certificate Issuer completes this part after acting as your witness for your statement made in Part 1.

Note
Do not write or sign in the space reserved for official use by the Office of the Public Guardian.

Important
The purpose of the Certificate Issuer is to ensure that the donor understands the instrument and the authority it confers and no fraud or undue pressure is used to make the donor create the LPA. The Certificate Issuer will charge a professional fee for his service.

Completion Tip
You must ensure that your Certificate Issuer fills in all the required fields and ticks the correct checkbox to indicate the category of LPA Certificate Issuer he belongs to.

Completion Tip
Your Certificate Issuer must sign and affix his professional name stamp (full name, qualification(s) and where applicable, MCR number). The date signed by the Certificate Issuer on this page should be the same as the date that he signs in Part 1.

Remember!
Donor will have to sign at the bottom right corner of this page as indicated.
Completing the LPA Application Form (2014)
This application form is to be used after you have completed the LPA Form 1 (2014) and would like to make an application to the Office of the Public Guardian to register the instrument.

The application can only be made by the donor or the donee(s) [if two donees are appointed jointly, the application must be made by both donees].

You will be required to fill in the contact details of the donor and donee(s) and replacement donee (if applicable).

Completion Tip
The date of the application is the date you post the LPA application to the Office of the Public Guardian.
Completion Tip
If no 2nd donee and/or replacement donee is appointed, the respective section must be struck through neatly.
E.g.
The submission of the application can be made by the applicant(s) or an authorised person.

You may wish to note that the application will be processed and registered after a statutory waiting period of six weeks from the date the application is accepted by the Office of the Public Guardian for registration.

You should indicate on the form how you wish to collect/receive the registered LPA by ticking the appropriate checkbox.

**Important**

It must be noted that the application must be received by the Office of the Public Guardian within six months from the date you (the donor) had signed the *LPA Form 1 (2014)* [Part 1].
FREQUENTLY ASKED QUESTIONS

Q: Is the making of a Lasting Power of Attorney (LPA) voluntary?
A: Yes, the making of an LPA is voluntary and a personal choice.

Q: Who can make an LPA?
A: You can make an LPA as long as you are at least 21 years of age and possess mental capacity. If you wish to make an LPA for property and affairs matters, you must not be an undischarged bankrupt.

Q: Should I only appoint family member(s) to act as my donee(s)?
A: Although appointing family members who understand your needs and preferences is usually the first choice, you may also consider appointing anyone you trust to be reliable and competent to make decisions for you as your donee(s).

Q: What will happen if my LPA is incomplete, for example, items are not filled inaccurately?
A: If you post in an incomplete LPA application to the Office of the Public Guardian (OPG), the OPG will not accept your application to register your LPA. Where possible, the OPG staff will explain to you the areas where corrections are required. If required, you may have to make a fresh submission at a later time.

Q: Can I appoint the same person to be both my personal welfare and property and affairs donee?
A: Yes. You may do so by indicating the appropriate powers granted to your donee(s) in Part 2 of the LPA.

Q: Can I revoke (terminate) my registered LPA?
A: Yes. As long as you still have the mental capacity to decide on the revocation, you can do so.

You will also need to fill up a revocation form which is available on the OPG website. Do note that an administrative fee will be levied for OPG to process the cancellation of registration.

Q: Can I add another donee(s) or change my donee(s) in my registered LPA?
A: No. If you wish to add/change your donee(s), you have to revoke (terminate) the existing LPA and make a new LPA reflecting the change and have it registered with the OPG.

Q: What happens to the powers granted to my donee(s) when I pass away?
A: In the event of your passing, your LPA will cease and the powers granted to your donee(s) will come to an end.
What should I do next?

After you have prepared the LPA and Application forms based on this guide, you or your donee(s) can make an application to register the LPA by taking the following steps:

**STEP 1: POST YOUR LPA APPLICATION TO THE OFFICE OF THE PUBLIC GUARDIAN**
Please see below for the complete set of documents that you should post in:
- Completed LPA Form
- Completed Application Form
- Clear photocopy of NRIC (front & back of NRIC) of donor, donee(s) and replacement donee (if any)

Post to:
Office of the Public Guardian
510 Thomson Road
#15-03 SLF Building
Singapore 298135

**STEP 2: PAY THE APPLICATION FEE**
The application fee is waived for Singapore citizens who make their LPAs using the LPA Form 1 from 1 September 2014 to 31 August 2016.

The application fee is S$50.00 for LPA Form 1 for permanent residents, and S$200.00 for other cases and for LPA Form 2. Payment must be made by cheque in local currency made payable to the "AG/MSF". **DO NOT** send in your payment with your application. We will contact you to let you know when you should make the payment.