

**2007 No. 1253**

**MENTAL CAPACITY, ENGLAND AND WALES**

**The Lasting Powers of Attorney, Enduring Powers of Attorney  
and Public Guardian Regulations 2007**

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**CORRECTION**

Page 22, Schedule 1, Part 1: substitute the existing second page of Form LPA PA (Lasting Power of Attorney - Property and Affairs), Prescribed Information, with that attached on page two of this correction slip;

Page 75, Schedule 3: substitute the existing second page of Form LPA 002 (Application to Register a Lasting Power of Attorney), Parts 2 and 3, with that attached on page three of this correction slip; and

Page 103, in the Explanatory Note, first paragraph, line four: "...powers or attorney." should read, "...powers of attorney.".

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## PREScribed INFORMATION

### Lasting Power of Attorney — Property and Affairs

You must read this information carefully to understand the purpose and legal consequences of making an LPA. You must ask your attorney(s) and certificate provider(s) to read it too.

This form is a legal document known as a Lasting Power of Attorney (LPA). It allows you to authorise someone (the attorney(s)) to make decisions on your behalf about spending your money and managing your property and affairs. Your attorney(s) can only use the LPA after it is registered with the OPG.

If you want someone to make decisions about your personal welfare then you need a different form. You can get a Lasting Power of Attorney — Personal Welfare from the OPG and legal stationers.

Detailed information about why you might find an LPA useful is in the 'Guide for people who want to make a Property and Affairs LPA'. You can get this from the OPG. You should read this guide before completing this LPA. You should ask your attorney(s) and certificate provider(s) to read it too.

Your attorney(s) cannot do whatever they like. They **must** follow the principles of the Mental Capacity Act 2005 which are:

- a person must be assumed to have capacity unless it is established that the person lacks capacity;
- a person is not to be treated as unable to make a decision unless all practicable steps to help the person to do so have been taken without success;
- a person is not to be treated as unable to make a decision merely because the person makes an unwise decision;
- an act done, or decision made, under the Mental Capacity Act for or on behalf of a person who lacks capacity must be done, or made, in the person's best interests; and
- before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Guidance about the principles is in the Mental Capacity Act 2005 Code of Practice. Your attorney(s) will have a duty to have regard to the Code. Copies of the Code can be obtained from Her Majesty's Stationary Office.

1. **CHOOSING YOUR ATTORNEY** Your attorney should be a person you know and trust who is at least 18 or a trust corporation. Your attorney must not be an undischarged or interim bankrupt. You can choose more than one attorney.
2. **CHOOSING MORE THAN ONE ATTORNEY** If you choose more than one attorney you must decide whether your attorneys should act together or together and independently (that is they can all act together but they can also act separately if they wish). You may appoint your attorneys together in respect of some matters and together and independently in respect of others. If you appoint more than one attorney and do not state whether they are appointed together or together and independently, when your LPA is registered they will be treated on the basis that they are appointed together. In this LPA, 'together' means jointly and 'together and independently' means jointly and severally for the purposes of the Mental Capacity Act 2005.

**Please do not detach these notes. They are part of the Lasting Power of Attorney.**

## Part 2 - The persons making the application

Note: We need to know who is applying and how the attorney(s) have been appointed, please answer the questions in parts two and three carefully.

Place a cross (x) against one option

Is the donor applying to register the Lasting Power of Attorney?  Yes

Is the attorney(s) applying to register the Lasting Power of Attorney?  Yes

## Part 3 - How have the attorney(s) been appointed?

The LPA states whether the attorney is to act solely, together or together and independently

Place a cross (x) against one option

There is only one attorney appointed

There are attorneys appointed together and independently

There are attorneys appointed together

There are attorneys appointed together in some matters and together and independently in others

Note: We need to know which, if any of the attorney(s) are making this application to register the LPA. You can tell us this by putting a cross in the box at the start of each attorney(s) details in Part 4.

