

**The Lasting Power of Attorney, Enduring Power of Attorney, Public Guardian (Amendment)  
Regulations 2015 (SI 2015/899)**

**In force 1 July 2015**

| Legislative requirements                         | 2009 Prescribed Form                         | 2015 Prescribed Form   |
|--|--|--|
| Property and affairs LPA<br>Personal welfare LPA | LPA PFA<br>LPA H&W                           | LP1F<br>LP1H   |
| Continuation sheets:                             |  |  |
| Additional people                                | A1   | 1  |
| Additional clauses                               | A2   | 2  |
| Signing at donor's direction                     | A3   | 3  |
| Additional certificate provider                  | B  | Removed  |
| Trust corporation                                | C  | 4  |
| <br>   |  |  |
| Certificate provider                             | Gives an 'opinion'                           | States, 'as far as I am aware'   |
| Named persons                                    | People to be told                            | People to notify   |
| Prescribed information                           | 'Information you must read'<br>on front page | 'Your legal rights and<br>responsibilities' on page 8  |
| <br>   |  |  |
| Order of signatories                             | Part A                                       | Sections 1-7   |
|  | Part B                                       | Section 10   |
|  | Part C                                       | Section 11   |
| <br>   |  |  |
| Notice of intention to register                  | LPA001                                       | LPA3<br>(as referred to in schedule 2<br>and Regulations, but is referred<br>to in section 6 of form as LP3) |
| <br>   |  |  |
| Application to register                          | LPA002                                       | LP2<br>(Included in sections 12-13 of<br>the prescribed form)  |
| <br>   |  |  |
| Public Guardian notices<br>to non- applicant     | LPA003A/B                                    | LPA003A/B  |
| <br>   |  |  |
| Notice of registration                           | LPA004                                       | Removed  |
| <br>   |  |  |
| Disclaimer                                       | LPA005                                       | LPA005   |

**Points of difference:**

- The donor can choose in a PFA LPA to restrict the attorney's authority to a time when he lacks capacity and not when he has capacity.
- There is no longer a need to have a second certificate provider in the event that the donor chooses not to have anyone to be notified of the registration of the LPA.
- The 2015 prescribed form does not contain any specific provision to include a charging clause. This needs to be added in the instruction box at section 7.
- Any reference to the financial attorney being aware of his limited power to make gifts has been removed (but is retained in continuation sheet 4 for Trust Corporations).
- Any reference to the financial attorney understanding they must keep accounts has also been removed (but is retained in continuation sheet 4 for Trust Corporations).
- Donor now agrees the OPG can use information contained in the LPA to carry out its duties
- Section 4 - multiple replacement attorneys must act jointly, regardless of how the original attorneys were appointed, unless the power states otherwise.
- Section 4- when there are multiple replacement attorneys, they will all step in the role when one of the original attorney is unable to act due to a terminating event, unless the power states otherwise.