

# SIGNING GUIDE

Activate your LPA



Safe to do  
business with

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Code Compliant

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## What is this guide about?

You have now received your prepared LPA. It outlines exactly who you wish to make decisions on your behalf, should you lose the capacity to do so.

However, for the LPA to be legally valid, there are a number of strict legal formalities with which you must comply.

This Signing Guide outlines the legal requirements and how you must sign and register your LPA for it to be legally valid and protected from being challenged.

## How to use this guide

Read this guide after reviewing your LPA and before you begin to print and sign it. Use it as step-by-step instructions to ensure you take the right steps in validly registering your LPA.

There is more information in this guide about the most important aspects involved in the signing process.

If you require further help and information, please do email [info@adewills.co.uk](mailto:info@adewills.co.uk) and we will be more than happy to help you.

# Step-by-step instructions

The LPA must be signed by the people involved in the correct order. If this is not done so, the OPG will not register it and your attorney will not be able to use the LPA.

The important thing to remember is that you must sign your LPA before anyone else does.

When making the Health and Welfare LPA, it is also important to remember to sign the section about life-sustaining treatment before signing Section 9 of the LPA.

If you have used any Continuation sheets, these must also be signed before signing Section 9 of the LPAs.

## Order of Signing

Your LPA must be signed in the following order:

### 1. You (the donor) sign first

You must sign:

- Section 5 of the Health and Welfare LPA (about life sustaining treatment)
- Continuation sheet(s) 1, if used
- Continuation sheet(s) 2, if used
- Section 9 of the LPA.

Whilst it is better to sign everything on the same day, this is not imperative; however, what is imperative is that Section 9 must be signed last.

## 2. The Certificate Provider signs LPA Section 10

The certificate provider must sign after the donor but before the attorneys. They must read Sections 8 and 10 of the LPA before they sign Section 10.

## 3. All the attorneys and replacement attorneys sign LPA Section 11

All of your attorneys and replacement attorneys must then sign Section 11 of the LPA.

When your attorneys sign section 11, they are forming a legal agreement with you (the donor). They are bound by everything written in the form up to this point, including section 8 of the LPA ('Your legal rights and responsibilities') and the declaration in section 11.

They must read the LPA (including section 8) or it must be read to them. They must then sign section 11 in the presence of an impartial witness.

The attorneys and replacement attorneys can witness each other's' signatures. You (the donor) cannot be the witness.

Attorneys and replacements should sign as soon as possible after the certificate provider – it's preferable if they all sign on the same

## Donors who cannot sign or mark

If you cannot sign or make a mark, someone can sign for you using Continuation Sheet 3.

**You must be present and must tell the person to sign.**

That person's signature must be witnessed by two people. The two witnesses cannot be:

- Under 18
- Your attorneys
- Your replacement attorneys
- Employees of a trust corporation that is your attorney or replacement attorney (Financial LPA only)

## Witnesses

An impartial person must witness you and your attorneys signing your LPA.

You cannot witness your attorneys' signatures and they cannot witness yours.

The certificate provider can be a witness to the donor's signature, and is often the best choice, since he or she must be present to certify the LPA anyway.

## Certificate Providers

A certificate provider is an impartial person who confirms that you (the donor) understand what you are doing and that nobody is forcing you to make an LPA. They must confirm that:

- You understand the significance of the LPA
- You have not been put under pressure to make it
- There has been no fraud involved in making the LPA
- There is no other reason for concern.

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.

Your certificate provider can witness the signatures of you and your attorneys and can also be your 'people to notify'.

## Who can be a certificate provider?

A certificate provider must be at least 18 years old and either:

- **A friend, colleague or someone you have known well for at least two years.** They must be more than just an acquaintance and can include your neighbour, someone from your social or sports club, a work colleague, or similar; or
- **Your doctor, lawyer or someone with the professional skills to judge whether you understand what you are doing and are not being forced to make an LPA.** This can include a registered healthcare professional (such as your GP), a solicitor, barrister or advocate, a registered social worker or

## Who cannot 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 (EPA) that you've already made
- a member of your or your attorneys' families – including wives, husbands, civil partners, 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





## Want a Printed LPA?

The OPG will scan the pages of your LPA for their records. If they are unable to remove the binding, they will not be able to provide clear, readable copies for their scanning system.

For **just £5 (plus postage) per LPA**, we will print and appropriately bind the LPA for you.

All you will need to do is simply open your LPA, sign it correctly and it will be ready to post to the OPG.

**Let us take care of it for you.**

**Get your printed LPA delivered to your door.**



# Registering your lasting power of attorney

The LPA cannot be used until it is registered by the OPG. Only the donor or one of the attorneys can apply to register the LPA.

An attorney is able to 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.

Before registering an LPA, the OPG 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 there are no good reasons for objections and no problems with the LPA, the OPG will register it and post it back. The OPG stamps the original form to show that it is valid and ready to use. This is the official LPA document.

The current application fee (as of September 2021) is £82. However, there is a reduced application fee if you have a low income. This can be applied for through Form LPA120.

You must then post your LPA to: **Office of the Public Guardian, PO Box 16185, Birmingham, B2 2WH.**

# LPA SIGNING AND REGISTERING CHECKLIST

## 1. Donor

☐

- Sign Section 5 (Health LPA only)
- Sign Continuation Sheet 1 (if used)
- Sign Continuation Sheet 2 (if used)
- Sign Section 9

## 2. Certificate Provider

☐

- Read Sections 8 and 10
- Sign Section 10

## 3. All Attorneys and Replacement Attorneys

☐

- Read Section 8
- Sign Section 11

## 4. Application Fee

☐

- In Section 14, write your card number or enclose your cheque

## 5. Person Applying to Register LPA

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- Sign Section 15

## 6. Send to OPG

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- Post your LPA(s) to Office of the Public Guardian, PO Box 16185, Birmingham, B2 2WH.

## 7. Notify any 'persons to notify'

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- Send a completed Form LP3 to each person



## Let us do the talking for you

Sit back after signing your LPA and let us take charge for you. For **just £100**, we will:

- check your LPAs have been signed correctly
- send them to the OPG for you
- communicate with them on your behalf to ensure the successful registration of your LPAs
- notify any 'persons to notify' with the relevant forms for you.



**Simply send us  
your signed  
LPAs and we will  
do the rest for  
you.**

## Can I cancel my LPA?



You (the donor) can cancel your LPA at any time, as long as you have mental capacity. It does not matter if the LPA is registered. If it is registered, you must write a 'deed of revocation' to cancel it.

You must sign and date the deed while watched by a witness, who must also sign and date it. Your witness does not have to be the same one you used for your original LPA.

You must then send the deed to the OPG with the original, registered LPA document. You must also tell all your attorneys that you are cancelling your LPA.