



Guide for Third Party Agency on Lasting Power of Attorney and Deputyship

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1. Introduction and Objectives

- 1.1 Under the provisions of the Mental Capacity Act 2021, all submission of the Lasting Power of Attorney (LPA) for registration must be done electronically via OPGO by default. Hardcopy form may be submitted if it falls within the exceptions¹ listed in Section 11(2A) of the Mental Capacity Act. The acceptance of this form is subject to the Public Guardian's approval.
- 1.2 All validly registered LPAs, regardless of when they were made and the formats, will be made available in OPGO as an electronic copy. All Donors and Donees will be able to view and share the registered LPA with third party agencies via password protected email.
- 1.3 The third party agency may see or receive different versions of validly registered LPA forms after OPGO is launched. We would recommend that you request the Donor/Donees to share their registered LPAs via OPGO to ensure that the latest version of the LPA is shared with you. Please note that an LPA will be updated as a result of an event occurring such as death, divorce, bankruptcy and etc. This may result in changes to the Donee's appointment or powers granted to the Donees. This guide informs you of the different versions and what you should do when you receive them.

¹(i) The Donor is unable to use OPGO due to the person's physical disability or other circumstance. (ii) OPGO is unavailable. (iii) Donor/Donee/Replacement Donee is not eligible for a Singpass account. (iv) Donor/Donee/Replacement Donee is not eligible to obtain a National Digital Identity.

2. Types of Registered LPA Forms

2.1 The different versions of LPAs and key differences are outlined in the table and elaborated in subsequent paras below.

S/N	LPA Form Version	No. of Pages		Max no. of Donee & R. Donee		Orange Label	Red Seals	Wet ink Signature including Witness for Donee	Registration Page ²		NDI ⁴ (Digital Signature)	Hardcopy Registered LPA Available
		Form 1	Form 2	Form 1	Form 2				Without Event	With Event(s) ³		
Hardcopy LPA												
1	2010 LPA Form	18	22	No limit		✓	✓	✓	X	✓	X	✓
2	2014 ⁵ LPA Form	8	15	2 Donees 1 R.Donee	No limit	✓	✓	✓	X	✓	X	✓
3	2020 ⁶ LPA Form	12	23			✓	✓	✓	X	✓	X	X
4	2022 LPA Form (OPGO)	12	23			X	✓	✓	✓	✓	✓	X
Online LPA												
5	2022 Online LPA	15	15	2 Donees 1 R.Donee	No limit	X	X	X	✓	✓	✓	X

² Registration Page is a cover page that contains LPA Registration number, Date of Registration and the events that have occurred where applicable.

³ Events refer to death of Donee(s)/Donee's bankruptcy/Donee refuses appointment/divorce/ Donee lacks mental capacity.

⁴ National Digital Identity (NDI) refers to the digital signing of the LPA by Donors and Cis. It was introduced to provide greater convenience and security for citizens to transact online with the Government.

⁵ Differences between 2014 & 2010 LPA form: Number of Donee and Replacement Donee, and the removal of clause "The person to be notified may raise objection about the LPA if he or she has concerns on the Donor's behalf. This person must not be a Donee or a R. Donee.

⁶ Differences between 2020 and 2014 form (i) Information is stated up-front on what is required to fill in the form, (ii) Better flow for form filling, (iii) Bigger fonts and boxed up fields for ease of filling personal Information, (iv) Donor does not need to complete the applicant form if he/she is the applicant.

2.2 **Hardcopy LPA made under exceptional circumstances post OPGO**

The hardcopy LPA form post OPGO launch is similar to the current, with the addition of the list of exceptional situations where hardcopy can be used stated upfront. It also mirrors the phrasing and format of the electronic LPA and has a registration page (refer to footnote 2).

3. Accessing an LPA for transactions

- 3.1 Donors and their Donee(s) can view and send the registered LPA with other individuals or third parties as required via password protected emails. The Donee(s) will only be able to send the LPA after the Donor had been certified by a doctor to lack mental capacity. The Donee will be required to make a declaration that the Donor had lost mental capacity when applying to share the LPA with the third-party.
- 3.2 For LPA transactions, please note that you should receive softcopy of the LPAs shared via OPGO. If you receive other formats/modes of LPA such as hardcopy registered LPAs, please advise Donee(s) to share the LPAs via OPGO as what they have given you may not be the latest version.
- 3.3 Sample of the email you will receive when Donor/Donee share their LPA with you below.



An LPA has been sent to you

Dear Test,

Bernice Tang has requested that a copy of Robert Lee's registered Lasting Power of Attorney (LPA) be sent to you. The reason is: Test.

The LPA must only be used for the above reason, and **cannot** be shared with anyone unauthorised to receive this document.

The LPA is password-protected. The format of the password is: **last 4 characters of the Donor's NRIC/FIN + MMY from the Donor's Date of Birth** e.g. if the NRIC/FIN number is S1234567A and DOB is 01/02/90, the password is 567A0290. If you do not have the information, please obtain it from Bernice Tang.

For Donors with **Passport No.**, please refer to the following for the password format:

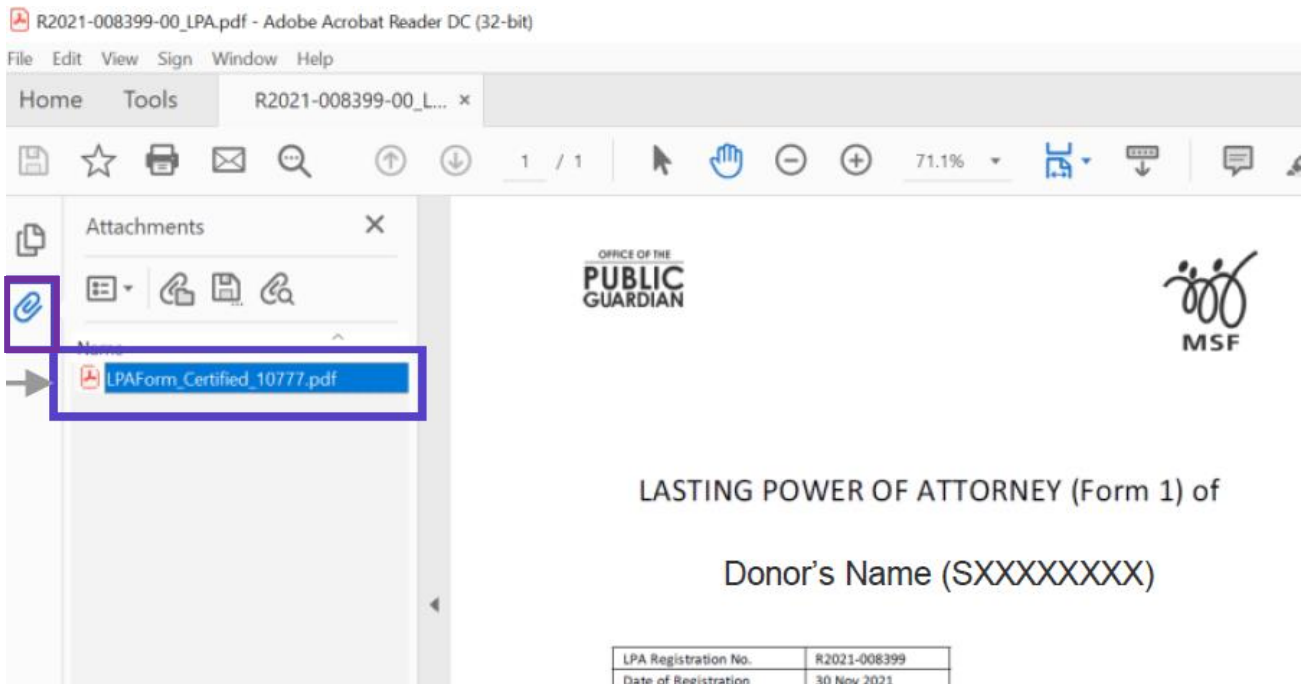
- If passport no. is less than 6 characters (e.g. ABC12), password is only MMY of Donor's DOB
- If passport no. is between 6 and 9 characters (e.g. ABC123), password is the 6th digit followed by MMY (i.e. 3MMYY).
- If passport no. has more than 9 characters (e.g. 1234567890), password is the 6th to 9th digit followed by MMY (i.e. 6789MMYY).

If you are not the intended recipient of this document, please delete this email immediately.

Thank you.

Office of the Public Guardian

- 3.4 To view the LPA, open the LPA PDF file on your desktop using a PDF reader. The file consists of the LPA registration page and the actual LPA as attachment. To view the actual LPA, click the attachment icon (i.e., paper clip) located on the left panel and double clicking on the embedded LPA attachment.



4. Using the LPA

- 4.1 Regardless of the formats of LPAs, please note that the criteria for using the LPA remains unchanged. The **Donee(s) can only transact on Donor's behalf when the Donor has been certified by a registered medical practitioner⁷ to have lost mental capacity.**
- 4.2 Please note that the state of mental incapacity may be temporary or permanent. If the loss of mental capacity is temporary, Donee should step aside to allow Donor to manage his/her own affairs when Donor has regained mental capacity. The LPA remains valid and can be reused should the Donor lose mental capacity again. Mental incapacity is also function-specific. Donor may be able to make decisions in some areas, but not others, and Donee should transact on behalf only for areas that Donor is unable to do, as outlined in the medical report.
- 4.3 Donee(s) do not need to inform OPG when they need to use the LPA for transactions.

⁷ It is not limited to the list of accredited medical practitioners by the Office of the Public Guardian (OPG).

5. Court Appointed Deputies

5.1 When will a Deputy be required?

A Deputy can be appointed if a decision(s) has to be made on behalf of a person who lacks mental capacity and there is no donee appointed in a Lasting Power of Attorney (LPA) to make that decision.

5.2 How do I become a Deputy?

A person may apply to the Family Justice Courts for an order to be appointed as a Deputy. Parents may also apply to court to appoint themselves as Deputies for their children who lack mental capacity.

A Successor Deputy may also be appointed to replace the Deputy in the event he/she is unable to act.

If a person had been appointed as the Committee of Person and Estate, he will be deemed as a Deputy under the Mental Capacity Act.

5.3 Who can apply to be a Deputy?

The applicant must be above 21 years of age before he can apply to be a Deputy. A Deputy is usually a family member or close friend who would act in the best interest of the person who lacks mental capacity.

5.4 What are the actions or decisions a Deputy can make?

The type of actions and decisions a Deputy can make are set out in the court order appointing the Deputy.

6. Professional Deputies and Donees Scheme

- 6.1 For those without suitable next of kin or close friends to rely on to be their proxy decision makers, they may consider engaging a Professional Deputy. Professional Deputies can apply to Court to act for the person without mental capacity (“P”) for remuneration. Donors can also appoint a Professional Deputy as a Professional Donee in their LPA to act on their behalf should they lose mental capacity.
- 6.2 Professionals registered under this scheme come from selected professional groups i.e. lawyers, doctors, accountants, allied health professionals, nurses and social workers, and have to pass stringent criteria to be registered.
- 6.3 More information on Professional Deputies and Donees Scheme and list of registered professional deputies can be found on <https://www.msf.gov.sg/what-we-do/opg/about-PDD-scheme>.