The Mental Capacity Act (MCA) was passed in 2008.

**Introduced the Lasting Power of Attorney (LPA)** – allows individuals (called “**donors**”) to plan ahead by appointing a “**donee**” to make decisions for them if they lose mental capacity.

**Allows Court to appoint “deputies”** – for those who did not make an LPA.

**Three key ideas behind MCA**

1. Respect the choices of a person who has mental capacity.
2. Family is the first line of support; community has its part to play.
3. The State protects individuals who lack capacity from abuse or exploitation.

**NEW Mental Capacity (Amendment) Bill 2016**

1. Respond to the emerging need for professional donees and deputies
2. Better protect individuals who lack mental capacity from abuse or exploitation by their donees or deputies
3. Facilitate the use of LPAs by donees to transact with third parties
4. Improve the operations of the Office of the Public Guardian
EMERGING NEED FOR PROFESSIONAL DONEES AND DEPUTIES SERVICES

**AMENDMENT**
Introduce “professional donee” and “professional deputy”, to serve those without family or close friends to act as their proxy decision-makers.

Stakeholders will be consulted before regulatory framework is finalised.

**PROFESSIONAL DEPUTY**
- Meets criteria and is registered with the Public Guardian.
- Not related to P.

**PROFESSIONAL DONEE**
- Bill limits professional donees to:
  1. Professional deputies registered with the Public Guardian
  2. Prescribed classes of persons such as licensed trust companies.

Public Guardian may cancel registration and apply to court to revoke appointment if P is at risk.

‘P’ refers to the person who lacks mental capacity.
AMENDMENT
Allow Courts to revoke donee’s or deputy’s powers if there is significant risk of abuse or exploitation by donee or deputy.

A donee or deputy is **convicted** of an offence (could be against some other person) involving dishonesty or fraud.

The Court can revoke the donee’s or deputy’s appointment, and prevent abuse.

Act pre-emptively to protect P and P’s assets.

‘P’ refers to the person who lacks mental capacity
Act pre-emptively to protect P and P’s assets.

BETTER PROTECT INDIVIDUALS WHO LACK MENTAL CAPACITY FROM ABUSE BY THEIR DONEES OR DEPUTIES

AMENDMENT
Allow Courts to suspend donee’s or deputy’s powers, in the absence of any prior application

CURRENT

Catch-22 situation: Can’t suspend a donee’s or deputy’s powers without prior application to Court to revoke powers. Not appropriate to apply to revoke if donee or deputy is charged but not yet convicted.

NEW
Can now apply to Court to suspend powers of the donee or deputy without having to first apply for revocation.

A donee or deputy has been charged (but not yet convicted) with an offence involving fraud or dishonesty.

There is real risk that he will dissipate the assets of P.

‘P’ refers to the person who lacks mental capacity

Act pre-emptively to protect P and P’s assets.
How to Register Your Lasting Power of Attorney

1. Complete your Lasting Power of Attorney Form (use LPA Form 1 or LPA Form 2)

2. See an LPA Certificate Issuer:
   a) A practising lawyer;
   b) A registered psychiatrist; or
   c) An accredited medical practitioner.

3. Complete the application form to register your LPA

4. Submit your completed Forms and supporting documents to the Office of the Public Guardian

Note:

a) Submit the following
   • Completed Application Form
   • Completed LPA
   • NRIC of donor (photocopy)
   • NRIC of donee(s) and replacement donee(s) (photocopy)
   • Payment (if required) will be advised when OPG has received and verified the application

b) The forms and guides are available at https://www.publicguardian.gov.sg/opg/Pages/Forms.aspx

Singaporeans making an LPA Form 1 can enjoy a $50 registration fee waiver. Completed forms can be mailed to the Office of the Public Guardian for free.

Download LPA forms from www.publicguardian.gov.sg