



Our Ref: PC 06-14

Date: 23 April 2014

Key Executive Officers

Dear Sir/Madam

BASIC GUIDELINES FACILITATING LASTING POWERS OF ATTORNEY BY THIRD PARTIES

We refer to the Office of the Public Guardian (OPG)'s Basic Guidelines Facilitating Lasting Powers of Attorney (LPA) by Third Parties as attached.

2. Estate Agents and salespersons must be conversant with the Mental Capacity Act and the LPA when advising consumers and/or performing estate agency work as donees (proxy decision makers) may make property transactions on behalf of donors who have lost their mental capacity. It is also necessary for Estate Agents and salespersons to understand the scope of donee powers and conduct due diligence before proceeding with such transactions.

3. Please disseminate the above information to your salespersons for compliance. If you or your salespersons require further clarification pertaining to the OPG guidelines, please contact the OPG's hotline at 1800-226 6222 or email them at enquiry@publicguardian.gov.sg.

Yours sincerely,

Chan Kwok Cheong
Deputy Director (Policy & Planning)
Council for Estate Agencies

BASIC GUIDELINES FACILITATING LASTING POWERS OF ATTORNEY (LPA) BY THIRD PARTIES

What is an LPA?

An LPA is a legal document which allows a person aged 21 years or older ('donor'), to voluntarily appoint one or more persons ('donee') he trusts, to decide and act on his behalf should he lose mental capacity.

Donees can be appointed in two broad areas, namely: personal welfare and/or property & affairs matters. If there are more than one donees appointed, the donor can specify for them to act

- Jointly : donees must always act together; or
- Jointly and severally : donees can act together or separately.

Types of LPAs

There are two types of LPA.

- LPA Form 1 : grants broad, general powers to the donee(s).
- LPA Form 2 : allows the donor, with the help of a lawyer, to craft specific requirements and restrictions on donee powers.

Facilitating LPAs

Frontline staff to request for:

- Original copy of the LPA (or a certified true copy from the Office of the Public Guardian)
- Check www.publicguardian.gov.sg to confirm that LPA number is valid and has not been revoked

Under the Act, third parties may also request a donee(s) to produce a medical report to establish that the donor has lost the mental capacity to manage his own affairs.

Frontline staff to verify:

- Power(s) given to donee(s) – personal welfare and / or property and affairs matters
- If more than one donees is appointed, whether they are to act jointly or jointly and severally

FOR MORE INFORMATION

Website: www.publicguardian.gov.sg
Hotline : 1800-2266222
Email: enquiry@publicguardian.gov.sg