

Power of Attorney and Lasting Power of Attorney

12th November 2013 (AW)

A Power of Attorney (“POA”) is a useful legal document created by one person who authorizes another person to act on his or her own behalf. The creator of the document is the Donor and the person being entrusted is the Donee.

It is a crucial document when a crisis situation occurs after an accident or an illness. When the Donor is incapacitated to sign legal documents, the Donee has the decision-making powers over the Donor’s property and financial affairs.

It is not in any way possible for you to make a POA if you are mentally incapacitated. You are required under the law to fully understand what you are getting into for the POA to take full effect. It is advisable that you make a POA even if you do not feel any illness or you do not expect any event that would incapacitate your mental state.

A POA is valid when it is signed by the Donor. However, it is good practice for the POA to be signed before a practicing solicitor in Singapore. It can be revoked at any time by way of a Deed of Revocation and the solicitor who drafted the POA should be notified of the revocation.

A Lasting Power of Attorney (“LPA”) is a legal document which allows a person to voluntarily appoint one or more persons to make decisions on his behalf as his proxy decision maker if he should lose mental capacity one day. You must be 21 years old or above, not an undischarged bankrupt and with the mental capacity to make the LPA.

The LPA allows you to protect your interests by indicating your personal, considered choice of a proxy decision maker to act and make decisions on your behalf should you become vulnerable when you lose the mental capacity to make your own decisions.

If you do not make an LPA and subsequently lose your mental capacity to make certain decisions, the Mental Capacity Act (Cap. 177A) allows someone else to apply to the Court to either make the specific decisions for you or appoint one or more persons to be your deputy to make the decision for you.

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