
STATUTORY INSTRUMENTS

2007 No. 1253

The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007

PART 2

LASTING POWERS OF ATTORNEY

Instruments intended to create a lasting power of attorney

Persons who may provide an LPA certificate

- 8.—(1) Subject to paragraph (3), the following persons may give an LPA certificate—
- (a) a person chosen by the donor as being someone who has known him personally for the period of at least two years which ends immediately before the date on which that person signs the LPA certificate;
 - (b) a person chosen by the donor who, on account of his professional skills and expertise, reasonably considers that he is competent to make the judgments necessary to certify the matters set out in paragraph (2)(1)(e) of Schedule 1 to the Act.
- (2) The following are examples of persons within paragraph (1)(b)—
- (a) a registered health care professional;
 - (b) a barrister, solicitor or advocate called or admitted in any part of the United Kingdom;
 - (c) a registered social worker; or
 - (d) an independent mental capacity advocate.
- (3) A person is disqualified from giving an LPA certificate in respect of any instrument intended to create a lasting power of attorney if that person is—
- (a) a family member of the donor;
 - (b) a donee of that power;
 - (c) a donee of—
 - (i) any other lasting power of attorney, or
 - (ii) an enduring power of attorney,which has been executed by the donor (whether or not it has been revoked);
 - (d) a family member of a donee within sub-paragraph (b);
 - (e) a director or employee of a trust corporation acting as a donee within sub-paragraph (b);
 - (f) a business partner or employee of—
 - (i) the donor, or
 - (ii) a donee within sub-paragraph (b);

- (g) an owner, director, manager or employee of any care home in which the donor is living when the instrument is executed; or
- (h) a family member of a person within sub-paragraph (g).
- (4) In this regulation—
- [^{F1}“care home” means—
- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
- (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;]
- “registered health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 ^{M1}; and
- “registered social worker” means a person registered as a social worker in a register maintained by—
- (a) [^{F2}Social Work England;]
- (b) [^{F3}Social Care Wales];
- (c) the Scottish Social Services Council; or
- (d) the Northern Ireland Social Care Council.

Textual Amendments

- F1** Words in reg. 8(4) substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2018 \(S.I. 2018/48\)](#), reg. 1(2), [Sch. 1 para. 18\(2\)](#)
- F2** Words in reg. 8(4) substituted (2.12.2019) by [The Children and Social Work Act 2017 \(Consequential Amendments\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1094\)](#), reg. 1, [Sch. 3 para. 18](#); S.I. 2019/1436, [reg. 2\(b\)](#)
- F3** Words in reg. 8(4) substituted (3.4.2017) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2017 \(S.I. 2017/52\)](#), reg. 1(2), [Sch. 1 para. 15\(2\)](#)
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Marginal Citations

- M1** 2002 c.17.

Changes to legislation:

There are currently no known outstanding effects for the The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007, Section 8.