



# Executing Your Enduring Power of Attorney

A Public Information Leaflet

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## Executing the Enduring Power of Attorney

1. To be legally valid the Enduring Power of Attorney must be **'Executed'**, (*signed and witnessed*) by both the **'Donor'** (you) and the **'Attorney'** (*the person you are appointing to act on your behalf*) and **'Witnessed'** (*by an independent person*)
2. The 'Donor' must execute Part B and the 'Attorney' must execute Part C. If there is more than one 'Attorney', each 'Attorney' must execute and complete a separate Part C. **Additional sheets must be added and secured to the EPA document beforehand.**
3. The 'Donor' **MUST** execute the EPA before the 'Attorney'. Execution by the 'Donor' and the 'Attorney' need not be carried out simultaneously. **However, it must be executed by the attorney before the Donor loses mental capacity.**
4. Execution by both the 'Donor' and the 'Attorney' must take place in the presence of a 'Witness', but not necessarily the same Witness, who must sign Part B or Part C of the form and give his or her **FULL NAME and complete ADDRESS** (e.g. John Albert Smith—NOT J A Smith or John A Smith). Failure to provide full names and addresses will render the Enduring Power of Attorney **INVALID**.
5. The following restrictions apply as to who can act as a witness:
  - (a) The 'Donor' and the 'Attorney' **MUST NOT** witness each others signature
  - (b) One 'Attorney' **CANNOT** witness the signature of another 'Attorney'
  - (c) The marginal notes in Part B **WARN** that it is not advisable for the Donor's spouse to witness his or her signature
  - (d) A blind person **CANNOT** witness another persons signature
6. If the 'Donor' or the 'Attorney' is physically disabled and unable to sign, he or she may make a mark, and the attestation clause adapted to explain this. The 'Donor' or an 'Attorney' may alternatively authorise someone else to sign the EPA at their discretion, in which case the EPA **MUST** be signed in the presence of **TWO** witnesses (both independent).
7. If the 'Donor' is blind, this should be stated in the attestation clause so that, if an application is made to register the power, The **Public Trustee Office** can make enquiries as to how the 'Donor' was notified of the intention to register the power.
8. The EPA is effective immediately that is has been executed. Keep the document in a safe place.
9. **DO NOT** separate the individual sheets, keep the document intact. **DO NOT** staple, paperclip, pin, attach or Sellotape anything to the EPA document.
10. Do not hesitate to contact **The Society of Will Writers on 0800 838270** if you require any further information concerning the execution of your Enduring Power of Attorney.
11. The Attorney may, before making an application for the registration of the EPA, refer to the Court any questions as to the validity of the power. Information and advice can be obtained by an Attorney from the Customer services Unit of the Public Trustee Office on 0207 664 7300.