

MEDICAL REPORT FOR ACTIVATION OF LASTING POWER OF ATTORNEY (LPA)

*The LPA should be presented during the medical assessment
The entries in this form should be typed or neatly handwritten*

(A) Patient's Particulars

Name (in NRIC) : _____
NRIC/FIN/Passport : _____ Date of Birth (dd/mm/yyyy) : _____
LPA Reference No : _____

(B) Doctor's opinion on Patient's Mental Capacity

Diagnosis *(Please attach additional notes if needed):*

(B-1) Personal Welfare¹ Matters

In your opinion, does the patient have mental capacity in respect of personal welfare¹ matters?

Yes No Patient to be referred to a specialist for assessment

If No, in your opinion, is the patient's mental incapacity likely to be permanent?

Yes No Patient to be referred to a specialist for assessment

Please state the basis of your opinion above in respect of the patient's mental capacity

(Please attach additional notes if needed):

(B-2) Property and Affairs² Matters

In your opinion, does the patient have mental capacity in respect of property and affairs² matters?

Yes No Patient to be referred to a specialist for assessment

If No, in your opinion, is the patient's mental incapacity likely to be permanent?

Yes No Patient to be referred to a specialist for assessment

Please state the basis of your opinion above in respect of the patient's mental capacity

(Please attach additional notes if needed):

^{1 & 2} Please refer to explanatory notes

(C) Doctor's Declaration

I have read and understood the provisions in sections 3, 4 and 5 of the Mental Capacity Act. I believe in the correctness of the opinion set out in this report and I am acting independently of the patient and the patient's next-of-kin.

Name : _____ MCR/NRIC : _____

Signature _____ Name/Clinic Stamp _____ Date _____

**This medical report is not to be used for deputyship application. The affidavit and medical report to be filed in support of the application for appointment of a deputy or deputies shall be in Form 224.*

Explanatory notes:

1. *“Personal welfare” refers to matters such as deciding where to live and consenting to medical and dental treatment.*
2. *“Property and affairs”, as the name implies, refers to matters concerning the patient’s financial affairs and property.*

Section 3 of the Mental Capacity Act

- (1) *The following principles apply for the purposes of this Act.*
- (2) *A person must be assumed to have capacity unless it is established that he lacks capacity.*
- (3) *A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.*
- (4) *A person is not to be treated as unable to make a decision merely because he makes an unwise decision.*
- (5) *An act done, or a decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.*
- (6) *Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person’s rights and freedom of action.*

Section 4 of the Mental Capacity Act

- (1) *For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.*
- (2) *It does not matter whether the impairment or disturbance is permanent or temporary.*
- (3) *A lack of capacity cannot be established merely by reference to —*
 - (a) *a person’s age or appearance; or*
 - (b) *a condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity.*
- (4) *In proceedings under this Act (other than proceedings for offences under this Act), any question whether a person lacks capacity within the meaning of this Act must be decided on the balance of probabilities.*

- (5) *Subject to section 21, no power which a person (“D”) may exercise under this Act —*
- (a) *in relation to a person who lacks capacity; or*
 - (b) *where D reasonably thinks that a person lacks capacity, is exercisable in relation to a person below 21 years of age.*

Section 5 of the Mental Capacity Act

- (1) *For the purposes of section 4, a person is unable to make a decision for himself if he is unable —*
- (a) *to understand the information relevant to the decision;*
 - (b) *to retain that information;*
 - (c) *to use or weigh that information as part of the process of making the decision; or*
 - (d) *to communicate his decision (whether by talking, using sign language or any other means).*
- (2) *A person is not to be regarded as unable to understand the information relevant to a decision if he is able to understand an explanation of it given to him in a way that is appropriate to his circumstances (using simple language, visual aids or any other means).*
- (3) *The fact that a person is able to retain the information relevant to a decision for a short period only does not prevent him from being regarded as able to make the decision.*
- (4) *The information relevant to a decision includes information about the reasonably foreseeable consequences of —*
- (a) *deciding one way or another; or*
 - (b) *failing to make the decision.*