

The Certificate Provider – What you need to know

What is a certificate provider?

A certificate provider is an independent person who signs a Lasting Power of Attorney (LPA) to confirm the person making the LPA (the donor) understands what the LPA will do and that no one is forcing them to create the document. By signing the Lasting Power of Attorney, the certificate provider confirms that in their opinion:

- The Donor understands the purpose of their LPA and the contents of their own document.
- Understands the scope of powers they are giving to their Attorneys in the LPA
- That no fraud or undue pressure is being used to influence the Donor to create the LPA
- That there is nothing else to prevent the LPA in question being created.

Who can be a certificate provider?

The donor chooses who should be their certificate provider which may be either:

- Knowledge based: they must have known the Donor personally for at least two years such as a friend, neighbour, or colleague (more than an acquaintance); or
- Skills based: someone who has the relevant professional skills such as a doctor, registered social worker or lawyer to certify mental capacity

Who cannot be a certificate provider?

Not everyone can be a certificate provider there are some restrictions as follows;

- Anyone under 18 years of age
- Anyone named as an attorney in the LPA or any previous LPAs or Enduring Powers of Attorney (whether or not it has been revoked)
- A member of either the donor or attorney's family
- An unmarried partner of either the donor or one of the attorneys
- A business partner or paid employee of the donor or attorney(s)
- The owner, director, manager, or an employee of a care home in which the donor lives or their family member or partner
- An employee of a trust corporation appointed as an Attorney in the financial LPA

Signing the LPA as a certificate provider

Being a certificate provider is an important role and therefore should you not feel comfortable confirming that the person making the LPA has the mental capacity to do so, understands the document they are signing and is making the LPA of their own free will then you should not sign the LPA.

If you are happy to proceed then the certificate provider signs the LPA at the same time or after the donor has signed.