

# Guide to terminology

August 2009

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- P** The name used by the Court of Protection for a person lacking capacity.
- Donor/Patient** The person who makes an Enduring or Lasting Power of Attorney.
- Attorney** A person acting on behalf of a Donor under a General, Enduring or Lasting Power of Attorney.
- Deputy** Person appointed by the Court of Protection by Order to make decisions for P.
- OPG** Office of the Public Guardian. Deals with registration of Enduring & Lasting Powers of Attorney and supervises Attorneys and Deputies.
- Court of Protection** Specialist court dealing with matters affecting mentally incapacitated people.
- Official Solicitor** The lawyer appointed to represent P in an application before the Court of Protection.
- LPA** Lasting Power of Attorney
- EPA** Enduring Power of Attorney
- Property and Affairs** Financial matters e.g. selling property, handling investments, using bank accounts.
- Personal Welfare** Social and healthcare decisions e.g. where to live, what medical or dental treatment to have, what to eat etc.
- Registration** The process of applying to the OPG to register an EPA or LPA. Involves submitting an application form and the original document to the OPG and giving Notice. If no-one objects to the application the OPG will return the original document with the OPG's seals attached. Once this process is completed the document may also be registered with financial institutions to enable the Attorney to act on behalf of the Donor.

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- Notice** Given by Attorneys to the Donor's family when registering an EPA, or to those named in the LPA when registering a LPA. This is a formal legal requirement and given on a set form in writing.
- Certificate Provider** The person who countersigns a LPA to confirm that the Donor is able to make the LPA, and to understand what it means, and that no-one is putting pressure on the Donor to make the Power.
- MCA or The Act** Mental Capacity Act 2005
- Code of Practice** A document which explains the MCA and give examples of how it should be applied and interpreted. Essential reading for Attorneys and Deputies.
- Statutory Will/ Codicil** A will or codicil made for P by the Court of Protection
- Lacking Capacity** When a person is unable to make a decision for himself in relation to a specific matter because of an impairment of or disturbance in the functioning of his mind or brain.
- Advance Decision** Where an individual decides what medical treatment they do not wish to have. This does not apply to life-sustaining treatment unless the decision is in writing with your signature suitably witnessed and with a statement in the Advance Decision to confirm it applies even where life is at risk.