

Adults with Incapacity (Scotland) Act 2000

Electronic Power of Attorney - Attorney Declaration Form

Name of Granter

Reference Number (if applicable)

Title of Attorney

Name of Attorney

House number / name

Street

Town

Postcode

Telephone number

Email Address

Type of Powers (tick whichever applies) Continuing Welfare Both

1. Your Duties and Responsibilities as Attorney

Please ensure you have read and understood the following important points. If you are unsure whether you are, or are not, able to comply with any of the requirements below, please report this to the person who has sent you this form.

- You must respect the general principles of the [Adults with Incapacity \(Scotland\) Act 2000](#), found in section 1.
- You should consult and respect the [Code of Practice for Continuing and Welfare Attorneys](#)
- If called upon to act, you must ensure that every measure is taken to support the granter of this power of attorney to make their own decision on any matter, or otherwise to allow them to exercise their legal capacity.
- You must ensure that any decision made on behalf of the granter respects their rights, will and preferences and takes account of any known wishes and feelings, past or present.

- You must communicate with relevant parties and take account of their views.
- You must act within the scope of the powers granted to you.
- You must keep appropriate records.
- You are in a position of trust and must not take advantage of that position.

For more information about your duties and responsibilities as attorney, please refer to the [Office of the Public Guardian](#) website and to our [attorney factsheet](#).

2. Declaration by Attorney

I confirm by signing below that:

- I am over the age of 16 and willing, freely, to accept the appointment of attorney.
- I am not currently declared bankrupt (continuing attorneys only). For the purposes of the Adults with Incapacity (Scotland) 2000 Act, a person is bankrupt if their estate has been sequestrated for insolvency or a protected trust deed has been granted. Bankruptcy makes a continuing appointment invalid but does not affect a welfare appointment.

Signature

Date

The Office of the Public Guardian reserves the right at any time to ask for evidence that the appointed attorney is prepared to act.

Once completed this declaration should be retained by the sender of the power of attorney for their records.