



When should an LPA be registered?

Before the LPA can be used it must be registered with the Office of the Public Guardian (OPG). Their fee covers registration and should it occur, their costs of investigating allegations of mismanagement.

Not registering	Registering
You don't pay the £92 registration fee until the power needs to be used. However, the fee may increase in the future.	You pay the fee even if you do not need the power to be used immediately. However, you freeze the fee payable which may increase over the years.
The registration process delays use of the power by at least 12 weeks, at a time when it needs to be used. There is no scope to use the power during this process and if the attorney needs to make decisions urgently, they will need to apply for a Court order.	As soon as the power needs to be used it can be activated immediately, without any delay.
You can change your mind and cancel the power without any problem.	If the donor changes his or her mind and cancels the power, makes another power then further fees will need to be paid to Office of the Public Guardian. This is in addition to costs of lawyers/certificate provider.
There is no need to keep OPG informed of any change of address/names.	There is a need to keep the OPG informed of any change of address/names of attorneys.
The donor retains control of a financial power so it cannot be used as an ordinary power until they choose for it to be registered or it needs to be registered for use and the attorney registers the power. An ordinary power is a form of attorneyship that can be given to a person whilst you have capacity e.g. you are going on a long holiday and wish for your attorney to act in respect of a transaction you are mid way through at home.	The financial power can be used as an ordinary power by the attorney immediately it has been registered. This is helpful if you are mid transaction but will be away on holiday or need someone else to act for any other reason whilst you retain full mental capacity.

Glossary of Terms

Court of Protection

The judicial body that makes decisions and judgements that affect vulnerable children and adults.

Office of Protection

The administrative arm of the Court of Protection.

Attorney

Your Attorney or Attorneys are the person or people that you appoint to act for you in the event that you are becoming or have become mentally incapable of managing your financial property and affairs or making your own decisions regarding your health and personal welfare.

Donee

Donee is another term used to refer to an Attorney.

Donor

The person making a Lasting Power of Attorney is sometime referred to as the donor.

Jointly or Jointly and Severally?

If you appoint your Attorneys to act jointly then they must take all decisions together. If one of them is unable or unwilling to act for any reason then the Lasting Power of Attorney will be unable to be used.

A joint and several appointment means that your Attorneys can act together or they can act alone. It is more flexible than making a joint appointment.

Please note it is possible to appoint Attorneys to act jointly in respect of some decisions and jointly and severally in respect of others should you wish to do so.

Person or Persons to be Notified

For your protection you may choose up to 5 people to be notified when your Lasting Power of Attorney is being registered. This gives people you know well an opportunity to raise any concerns or objections regarding your choice of Attorney or Attorneys before the Lasting Power of Attorney document is registered and can be used. It is a safe guarding measure but no longer compulsory. If you choose to register the document immediately you may be advised not to name people to be notified as it becomes a rubber stamping procedure.

Certificate Provider

A Certificate Provider can be a professional or a person that you have known for at least 2 years who is more than an acquaintance. The Certificate Provider who is a professional could be a Solicitor or a GP.

The Certificate Provider signs a Certificate within the Lasting Power of Attorney document stating that in their opinion the Donor understands the purpose of making the Lasting Power of Attorney and the scope of the authority conferred under it. They are also stating that in their view no force or undue pressure is being placed upon the Donor to make the document and that to their knowledge there is nothing that would prevent the Lasting Power of Attorney from being created.

For more information on Lasting Powers of Attorney and our fixed fees please contact Jenny Pierce on 0117 9292811 or email jenny.pierce@wards.uk.com

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