



Office of the
Public Guardian

How to register your lasting power of attorney

Helpline



0300 456 0300

gov.uk/power-of-attorney

LPA110 04.13 © Crown copyright 2013

This guidance published September 2009
to accompany revised 2009 LPA forms.

Registering your LPA

An LPA can be registered – by the donor or their attorney(s) – at any time after it has been made. But it cannot be used until it has been registered by the OPG. (Where a replacement attorney has replaced the attorney in an unregistered lasting power of attorney, they can also register it.)

Registering the LPA soon after it is made means that it will be ready to be used by your attorney(s) when needed.

The longer the LPA is kept after making it and before registering it, the more likely you or your attorney(s) will need to keep its contents up to date (addresses, contact details, etc.). During this period, your made LPA cannot be amended. If your circumstances change, or your LPA is no longer relevant for some reason, you must complete a fresh LPA form.

To register the LPA the person who is making the application:

- **First:** informs each of the people to be told (if there are any) of their intention to register the LPA (by filling-in and sending to each one a copy of form **LPA001** – 5 copies are included in your LPA creation pack). This informs them that the LPA is being registered and that they have three weeks to raise any concerns.
- **Then:** fills in form **LPA002** 'Application to register a Lasting Power of Attorney' – also included in your LPA creation pack with separate 4-page guidance notes – and sends this with your completed LPA form to the OPG.

The OPG will check your LPA and application to register form, and contact the applicant if there are any problems.

Assuming there are no problems with the LPA and nobody raises concerns, the OPG will register four weeks after sending the notices to the donor or attorney.

LPA001 09.13

Notice of intention to apply for registration of a Lasting Power of Attorney

This notice must be sent to everyone named by the donor in the Lasting Power of Attorney as a person who should be notified of an application to register. Relatives are not entitled to notice unless named in the Lasting Power of Attorney.

The application to register may be made by the donor or the attorney(s).
Where attorneys are appointed to act jointly** they all must apply to register.

Details of the person to be told** _____

Name Address

Telephone no. Postcode

To the person to be told - You have the right to object to the proposed registration of the Lasting Power of Attorney. You have three weeks from the day on which this notice is given to object. Details of how to object and the grounds for doing so are on the back page.

Details of the Lasting Power of Attorney (LPA) _____

Who is applying to register the LPA? the donor the attorney(s)

Which type of LPA is being registered?
(You must complete separate applications for each LPA you wish to register.) Property and Financial Affairs Health and Welfare

On what date did the donor sign the LPA?

Details of the donor _____

Full name Address

Telephone no. Postcode

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LPA002 09.11 Office of the Public Guardian

Application to register a Lasting Power of Attorney

Return your completed form to:
Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH

Part 1 - The donor

Place a cross (x) against one option
Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Address 1

Address 2

Address 3

Town/City

County

Postcode Daytime Tel. no.

Date of birth If the exact date is unknown please state the year of birth

e-mail address

Please do not write below this line - For office use only

LPA002 Application to register a lasting power of attorney (09.11) 1 © Crown Copyright 2011

Form LPA001: Notice of intention to apply for registration of a Lasting Power of Attorney

In summary

The applicant fills in one of these forms for each person to be told (if any), and sends them to the address for each person in your LPA.

The detail

Read all 4 pages of this form as it explains how your people to be told should make any objections (the other two pages of the form are shown on the next page).

If it is not possible to establish contact with any of the people to be told, you must keep proof of posting slips, or returned-to-sender evidence, to demonstrate that you have made reasonable efforts.

Completion tips

'Details of the person to be told': fill in here the details of your person to be told. 2007 versions of the LPA form use the term 'Named people'.

Details of the donor = the person who made the lasting power of attorney.

To avoid rejection of your LPA when applying to register ...

If you are applying to register both types of LPA and have the same people to be told in both, you must send one of these forms for each of your LPAs. The person to be told will receive two forms as your applications are treated separately.

LPA 001 04-13
Notice of intention to apply for registration of a Lasting Power of Attorney

This notice must be sent to everyone named by the donor in the Lasting Power of Attorney as a person who should be notified of an application to register. Relatives are not entitled to notice unless named in the Lasting Power of Attorney.

The application to register may be made by the donor or the attorney(s).

Where attorneys are appointed to act jointly** they all must apply to register.

Details of the person to be told**

Name Address

Telephone no. Postcode

To the person to be told - You have the right to object to the proposed registration of the Lasting Power of Attorney. You have **three weeks** from the day on which this notice is given to object. Details of how to object and the grounds for doing so are on the back page.

Details of the Lasting Power of Attorney (LPA)

Who is applying to register the LPA? the donor the attorney(s)

Which type of LPA is being registered? Property and Financial Affairs Health and Welfare
 (You must complete separate applications for each LPA you wish to register.)

On what date did the donor sign the LPA?

Details of the donor

Full name Address

Telephone no. Postcode

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Page 1

How to object to the registering of a Lasting Power of Attorney (LPA)

You can ask the Office of the Public Guardian (OPG) to stop the LPA from being registered if one of the factual grounds at (A) below has occurred. You need to tell us by completing Form LPA007 which is available from the OPG and by providing evidence to accompany it. You must send us the completed LPA007 form **within three weeks** from the date this notice was given. Failure to tell us could result in the LPA being registered.

(A) **Factual grounds** – you can ask the Office of the Public Guardian to stop registration if:

- The Donor is bankrupt or interim bankrupt (for property and financial affairs LPAs only)
- The Attorney is bankrupt or interim bankrupt (for property and financial affairs LPAs only)
- The Attorney is a trust corporation and is wound up or dissolved (for property and financial affairs LPAs only)
- The Donor is dead
- The Attorney is dead
- That there has been dissolution or annulment of a marriage or civil partnership between the Donor and Attorney (except if the LPA provided that such an event should not affect the instrument)
- The Attorney(s) lack the capacity to be an attorney under the LPA
- The Attorney(s) have disclaimed their appointment

Form LPA007 is available from the OPG on 0300 456 0300 or gov.uk/power-of-attorney

You have the right to object to the Court of Protection about the registration of the LPA, but only on the grounds mentioned at (B) below. To do this you must contact the Court and complete the application to object form they will send you. Using that form, you must set out your reasons for objecting. They must receive the objection **within three weeks** from the date this notice was given. You must also notify the OPG when you object to the Court by using the separate form LPA008 that is available to download from www.justice.gov.uk/global/forms/opg/lasting-power-of-attorney/index.htm. Failure to notify the OPG of an objection may result in registration of the LPA.

Note: If you are objecting to the appointment of a specific attorney, it may not prevent registration if other attorneys or a substitute attorney have been appointed.

(B) **Prescribed grounds** – you can only object to the Court of Protection against registration of the LPA on the following grounds:

- That the power purported to be created by the instrument* is not valid as a LPA. e.g. the person objecting does not believe the donor had capacity to make an LPA.
- That the power created by the instrument no longer exists e.g. the donor revoked it at a time when he/she had capacity to do so.
- That fraud or undue pressure was used to induce the donor to make the power.
- The attorney proposes to behave in a way that would contravene his authority or would not be in the donor's best interests.

Note:

* The instrument means the LPA made by the donor.

** Some of the terms used in the 2007 version of the LPA forms are different to those used in this form and in the LPA002.

'Together' means the same as 'Jointly'. 'Independently' means the same as 'Severally'.

'Named person' means the same as 'Person to be told'.

The Court will only consider objections made if they are made on the above grounds. To obtain a Court objection form please contact the Court of Protection at Thomas More Building, Strand, London WC2A 2LL or Telephone 0300 456 4600.

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LPA001: completed examples

Example: completed LPA001

LPA001 2007
Notice of intention to apply for registration of a Lasting Power of Attorney

This notice must be sent to everyone named by the donor in the Lasting Power of Attorney as a person who should be notified of an application to register. Relatives are not entitled to notice unless named in the Lasting Power of Attorney.

The application to register may be made by the donor or the attorney(s).
 Where attorneys are appointed to act jointly** they all must apply to register.

Details of the person to be told**

Name: JANE HUGO Address: 43 CLIFTON TERRACE
NEWCASTLE,
 Telephone no.: 07666 123 321 Postcode: NE 1 4 1 5 W

To the person to be told - You have the right to object to the proposed registration of the Lasting Power of Attorney. You have **three weeks** from the day on which this notice is given to object. Details of how to object and the grounds for doing so are on the back page.

Details of the Lasting Power of Attorney (LPA)

Who is applying to register the LPA? the donor the attorney(s)

Which type of LPA is being registered?
 (You must complete separate applications for each LPA you wish to register.)
 Property and Financial Affairs Health and Welfare

On what date did the donor sign the LPA? 26 7 02 0 9

Details of the donor

Full name: ALISON LOUISE WILSON Address: 38 LONDON ROAD
POST TOWN
COUNTY
 Telephone no.: 07666 123 123 Postcode: 0 P 3 2 5 Y P

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Details of the attorney(s)

Name of 1st attorney: SHEILA DAVIES Address: 45 LANDSBROOKE ROAD
BATH, AVON
 Telephone no.: 07666 123 321 Postcode: 8 A 9 9 2 P P

solely jointly and severally**
 jointly jointly in some matters and jointly and severally in others

Name of 2nd attorney: ANDREW DAVIES Address: 19 VICTORIA ROAD
WREXHAM, CLWYD
 Telephone no.: 07666 123 333 Postcode: L L 9 8 L L

jointly jointly and severally
 jointly in some matters and jointly and severally in others

Name of 3rd attorney: PAUL DAVIES Address: 27 GEORGES MEWS
NEWCASTLE,
 Telephone no.: 07666 123 444 Postcode: NE 1 2 9 Z Z

jointly jointly and severally
 jointly in some matters and jointly and severally in others

Name of 4th attorney: _____ Address: _____
 Telephone no.: _____ Postcode: _____

jointly jointly and severally
 jointly in some matters and jointly and severally in others

Page 2

Signature and date

This notice must be signed by all parties applying to register the lasting power of attorney.

Signed: alison wilson Print name: ALISON LOUISE WILSON

Dated: 27 7 02 0 9

Page 3

How to object to the registering of a Lasting Power of Attorney (LPA)

You can ask the Office of the Public Guardian (OPG) to stop the LPA from being registered if one of the factual grounds at (A) below has occurred. You need to tell us by completing Form LPA007 which is available from the OPG and by providing evidence to accompany it. You must send us the completed LPA007 form **within three weeks** from the date this notice was given. Failure to tell us could result in the LPA being registered.

(A) Factual grounds - you can ask the Office of the Public Guardian to stop registration if:

- The Donor is bankrupt or interim bankrupt (for property and financial affairs LPAs only)
- The Attorney is bankrupt or interim bankrupt (for property and financial affairs LPAs only)
- The Attorney is a trust corporation and is wound up or dissolved (for property and financial affairs LPAs only)
- The Donor is dead
- The Attorney is dead
- That there has been dissolution or annulment of a marriage or civil partnership between the Donor and Attorney (except if the LPA provided that such an event should not affect the instrument)
- The Attorney(s) lack the capacity to be an attorney under the LPA
- The Attorney(s) have disclaimed their appointment

Form LPA007 is available from the OPG on 0300 456 0300 or gov.uk/power-of-attorney

You have the right to object to the Court of Protection about the registration of the LPA, but only on the grounds mentioned at (B) below. To do this you must contact the Court and complete the application to object form they will send you. Using that form, you must set out your reasons for objecting. They must receive the objection **within three weeks** from the date this notice was given. You must also notify the OPG when you object to the Court by using the separate form LPA008 that is available to download from www.justice.gov.uk/global/forms/ogp/lasting-power-of-attorney/index.htm. Failure to notify the OPG of an objection may result in registration of the LPA.

Note: If you are objecting to the appointment of a specific attorney, it may not prevent registration if other attorneys or a substitute attorney have been appointed.

(B) Prescribed grounds - you can only object to the Court of Protection against registration of the LPA on the following grounds:

- That the power purported to be created by the instrument* is not valid as a LPA: e.g. the person objecting does not believe the donor had capacity to make an LPA.
- That the power created by the instrument no longer exists e.g. the donor revoked it at a time when he/she had capacity to do so.
- That fraud or undue pressure was used to induce the donor to make the power.
- The attorney proposes to behave in a way that would contravene his authority or would not be in the donor's best interests.

Note:

- * The instrument means the LPA made by the donor.
- ** Some of the terms used in the 2007 version of the LPA forms are different to those used in this form and in the LPA002.
- *Together' means the same as 'Jointly'. 'Independently' means the same as 'Severally'.
- **Named person' means the same as 'Person to be told'.

The Court will only consider objections made if they are made on the above grounds. To obtain a Court objection form please contact the Court of Protection at Thomas More Building, Strand, London WC2A 2LL or Telephone 0300 456 4600.

Page 4

Form LPA002: Guidance Notes for completing the application form LPA002

In summary

The applicant should

- read these LPA002 guidance notes which provide all the information required to fill in LPA002
- fill in LPA002
- send the completed LPA002 and made LPA form with your fee to the OPG.

To avoid rejection of your LPA when applying to register ...

Remember to send:

- Your made LPA form.
- Your completed Application form (LPA002).
- Your payment or signed application for a fee remission or exemption.

Completion tips

The address to send your application to is:

Office of the Public Guardian
PO Box 16185
Birmingham, B2 2WH

Office of the Public Guardian
Application to register a Lasting Power of Attorney
Guidance Notes for completing the application form LPA002

Please complete the form LPA002 in BLOCK CAPITALS using a BLACK ballpoint pen, ensuring that all relevant sections are completed clearly. This will enable us to process the information quickly and accurately.

Please note the following information:

- Form LPA002 cannot be used for registration of an Enduring Power of Attorney.
- If you are registering more than one LPA you must complete a **separate form LPA002 for each LPA** you are registering.

Part 1 – The donor

Part one covers the information we need about the 'donor' of the Lasting Power of Attorney (LPA) to register it. The donor is the person who has appointed an attorney/s to manage their property and financial affairs or health and welfare when first setting up the LPA.

To complete this, please:

- Fill in the box that relates to the donor's title. If the correct title does not appear, please provide the one now used in the boxes provided to the right.
- **Please Note:** The donor's surname should be inserted in the line where it says, 'last name'.
- **Please Note:** The next two lines are for forenames/s. Please ensure that only the donor's first name is inserted where it says, 'Forename 1'.
- Where the donor is living in a hospital or care home, the name of this should be entered where it says 'Address 1'.
- When completing the address lines, please ensure that the town or city appears where requested.
- **Please Note:** Include the donor's postcode in the boxes provided after the address details.
- If the donor's address on the LPA is different from the one that is shown on the application form, provide the original address in Part five of the form under any additional information and say that the address has changed.

Part 2 – The person(s) making the application

It is very important for the OPG to know who is applying to register the LPA. Part two of the form informs us who is applying to register the LPA. It may be the donor, the attorney(s) or some other person appointed to apply. The application can be made by the donor or the attorney(s).

- If you are the donor or representing the donor applying please place an X in the box next to the statement that says – 'Is the donor applying to register the Lasting Power of Attorney?'
- If you are an attorney or representing an attorney applying please place an X in the box next to the statement that says - 'Is the attorney applying to register the Lasting Power of Attorney?'
- If joint attorneys have been appointed they must make the application jointly.
- If attorneys have been appointed to act jointly and severally one or more may make the application.

Complete the boxes requesting the donor's date of birth, putting the day, month and year of birth. If you don't know this, you should be able to find it in the LPA, in Part A under the Donor's name and address. If the date of birth differs from the date stated on the LPA itself, please explain, if you are able, the difference in Part 12 of the form and provide a copy of the donor's birth certificate as evidence.

LPA002 - Guidance notes (09.11) © Crown copyright 2011

The detail:

If the attorney is making the application, the OPG will formally notify the donor. If the donor is making the application the OPG will notify the attorney(s). If one of the joint and several attorneys makes the application, the OPG will inform the donor and the other attorney(s). It is therefore a good idea to discuss the application to register the LPA with the donor or attorney beforehand.

If the original LPA form is missing, it may be possible to accept a copy certified by the donor or by the solicitor who originally prepared it. In general, only the original LPA is acceptable.

LPA002 Office of the Public Guardian
Application to register a Lasting Power of Attorney

Return your completed form to:
Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH

Part 1 - The donor

Place a cross (x) against one option

Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Address 1

Address 2

Address 3

Town/City

County

Postcode Daytime Tel. no.

Date of birth If the exact date is unknown please state the year of birth

D D M M Y Y Y Y

e-mail address

Please do not write below this line - For office use only

LPA002 Application to register a lasting power of attorney (09.11) 1 © Crown Copyright 2011

For information about how much it costs to register the LPA, see OPG fees guidance.

If you need to act on a donor's behalf before the LPA is registered, you cannot use the unregistered LPA. If you need to make an urgent decision, you can apply to the Court of Protection (a fee is payable for this).

You are advised to register your LPA as soon as you have completed the LPA form.

LPA002: completed examples

Example: completed LPA002 (pages 1–3)

LPA002 Office of the Public Guardian
Application to register a Lasting Power of Attorney

Return your completed form to:
 Office of the Public Guardian
 PO Box 16185
 Birmingham
 B2 2WH

Part 1 - The donor

Place a cross (x) against one option
 Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Address 1

Address 2

Address 3

Town/City

County

Postcode Daytime Tel. no.

Date of birth If the exact date is unknown please state the year of birth

e-mail address

Please do not write below this line - For office use only

LPA002 Application to register a lasting power of attorney (09.11) 1 © Crown Copyright 2011

Part 2 - The persons making the application

Note: We need to know who is applying and how the attorney(s) have been appointed, please answer the questions in parts two and three carefully.

Place a cross (x) against one option

Is the donor applying to register the Lasting Power of Attorney? Yes

Is the attorney(s) applying to register the Lasting Power of Attorney? Yes

Part 3 - How have the attorney(s) been appointed?

The LPA states whether the attorney is to act solely, jointly or jointly and severally

Place a cross (x) against one option

There is only one attorney appointed

There are attorneys appointed jointly and severally

There are attorneys appointed jointly

There are attorneys appointed jointly in some matters and jointly and severally in others

Note: We need to know which, if any of the attorney(s) are making this application to register the LPA. You can tell us this by putting a cross in the box at the start of each attorney(s) details in Part 4.

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Part 4 - Attorney one

Place a cross (x) in this box if attorney one is applying to register

Place a cross (x) against one option
 Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Company name (if relevant)

Address 1

Address 2

Address 3

Town/City

County

Postcode DX number

Date of birth DX Exchange

Daytime Tel. no.

Occupation

e-mail address

Place a cross (x) against one option that best describes your relationship to the donor
 Civil partner / Spouse Child Solicitor Other Other professional

If 'Other' or 'Other professional', please specify

3

LPA002: completed examples

Example: completed LPA002 (continued), pages 4–6

Part 4 - Attorney two

Place a cross (x) in this box if attorney two is applying to register

Place a cross (x) against one option
 Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Company name (if relevant)

Address 1

Address 2

Address 3

Town/City

County

Postcode DX number

Date of birth DX Exchange

Daytime Tel. no.

Occupation

e-mail address

Place a cross (x) against one option that best describes your relationship to the donor
 Civil partner / Spouse Child Solicitor Other Other professional

If 'Other' or 'Other professional', please specify

4

Part 4 - Attorney three

Place a cross (x) in this box if attorney three is applying to register

Place a cross (x) against one option
 Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Company name (if relevant)

Address 1

Address 2

Address 3

Town/City

County

Postcode DX number

Date of birth DX Exchange

Daytime Tel. no.

Occupation

e-mail address

Place a cross (x) against one option that best describes your relationship to the donor
 Civil partner / Spouse Child Solicitor Other Other professional

If 'Other' or 'Other professional', please specify

5

Part 4 - Attorney four

Place a cross (x) in this box if attorney four is applying to register

Place a cross (x) against one option
 Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Company name (if relevant)

Address 1

Address 2

Address 3

Town/City

County

Postcode DX number

Date of birth DX Exchange

Daytime Tel. no.

Occupation

e-mail address

Place a cross (x) against one option that best describes your relationship to the donor
 Civil partner / Spouse Child Solicitor Other Other professional

If 'Other' or 'Other professional', please specify

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If there are additional attorneys, please provide the following details in the 'Additional information' section at the end of this form.

LPA002: completed examples

Example: completed LPA002 (continued), pages 10–12

Part 6 - Fees

Guidelines on fee exemption and remission can be obtained from the Office of the Public Guardian.

Have you enclosed a cheque for the registration fee for this application? Yes No

Do you wish to apply for remission of the fee? Yes No

Do you wish to apply for exemption of the fee? Yes No

Do you wish to pay the fee by credit or debit card? Yes No

If you wish to apply for an exemption or remission of all or part of the fee, you must complete the separate application form available from the Office of the Public Guardian. If you wish to pay by credit or debit card, please provide your telephone number so an agent can call you to arrange payment when your application has been received.

Part 7 - Type of power

I We

apply to register the LPA (the original of which accompanies this application) made by the donor under the provisions of the Mental Capacity Act 2005.

What type of Lasting Power of Attorney are you applying to register?

Property and financial affairs **OR** Health and welfare

Date that the donor signed the Lasting Power of Attorney
 D D M M Y Y Y Y

To your knowledge, has the donor made any other Enduring Powers of Attorney or Lasting Power of Attorney? Yes No

If Yes, please give details below including registration date if applicable

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Completion tips

Where Attorneys have been appointed Jointly it is necessary for all of the attorneys to apply for registration, this is achieved by signing the LPA002 declaration form on page 11 of the application. The application may be delayed if the OPG needs to clarify and a new LPA002 form may be required.

Part 8 - Donor declaration

Note: This section should only be completed by the donor if they are applying for the registration of the Lasting Power of Attorney.

I apply to register the Lasting Power of Attorney (the original of which accompanies this application).

I certify that the above information is correct and that to the best of my knowledge and belief, I have completed the application in accordance with the provisions of the Mental Capacity Act 2005 and all statutory instruments made under it.

Signed Date
 D D M M Y Y Y Y

Last name

First name

Part 9 - Attorney(s) declaration

Note: This section should only be completed by the attorney(s) if they are applying for the registration of the Lasting Power of Attorney.

I We apply to register the Lasting Power of Attorney (the original of which accompanies this application).

I We certify that the above information is correct to the best of my knowledge and belief.

I We have completed the application within the provisions of the Mental Capacity Act 2005 and all statutory instruments made under it.

Signed Date
 D D M M Y Y Y Y

Last name

First name

Signed Date
 D D M M Y Y Y Y

Last name

First name

11

Part 9 - continued

Signed Date
 D D M M Y Y Y Y

Last name

First name

Signed Date
 D D M M Y Y Y Y

Last name

First name

Signed Date
 D D M M Y Y Y Y

Last name

First name

Part 10 - Declaration by a trust corporation

If you are a trust corporation making this application please complete this declaration.

I We

certify that the above information is correct and that to the best of my knowledge and belief, I have completed the application in accordance with the provisions of the Mental Capacity Act 2005 and all statutory instruments made under it.

Company name

Signature of authorised person(s)
 Company seal (if applicable)

Last name

First name

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LPA002: completed examples

Example: completed LPA002 (continued), pages 13 & 14

Part 11 - Correspondence address

Place a cross (x) against one option
 Mr. Mrs. Ms. Miss Other

If other, please specify

Last name

First name

Middle name

Company name

Company reference

Address 1

Address 2

Address 3

Town/City

County

Postcode DX number

DX Exchange

Daytime Tel. no.

e-mail address

13

Part 12 - Additional information

Please write down any additional information to support this application in the space below. If necessary attach additional sheets.

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Part 11 - Correspondence address

Please Note: If this section is left blank, all correspondence will be sent to either the Donor if they are applying or to attorney one listed on the LPA002

Contact details

Office of the Public Guardian

PO Box 16185, Birmingham B2 2WH

Telephone: 0300 456 0300
 (from outside the UK +300 456 0300)

Fax: 0870 739 5780

Email: customerservices@publicguardian.gsi.gov.uk

Online: gov.uk/power-of-attorney

DX: 744240 Birmingham 79

Textphone: 0115 9342778

