

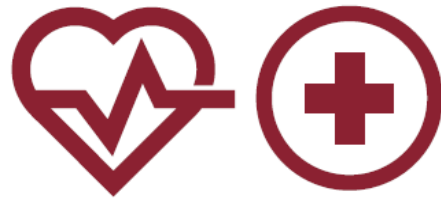


Register your lasting power of attorney made before 1 July 2015

a guide



Financial decisions



Health and care decisions

LP13 Register your lasting power of attorney made
before 1 July 2015: a guide (03.17)

Part A – Register your lasting power of attorney (LPA)

Which LPA?

1. LPAs made before 1 July 2015

LPAs made on a paper form

Only use this guide and the ‘Register your lasting power of attorney’ form (LP2) if you made your lasting power of attorney (LPA) before 1 July 2015 and used any of the following:

- ‘Lasting power of attorney for health and welfare’ (form LPA114)
- ‘Lasting power of attorney – personal welfare’ (form LPA PW)
- ‘Lasting power of attorney – property and financial affairs’ (form LPA117)
- ‘Lasting power of attorney – property and affairs’ (form LPA PA)

LPAs made online

If you made your LPA using the LPA digital service, you may be able to download forms - already filled in to register. Go to www.gov.uk/power-of-attorney and log back into your account.

2. LPAs made on or after 1 July 2015

If you made your LPA on or after 1 July 2015, **don’t** use this guide and **don’t** use ‘Register your lasting power of attorney’ form LP2.

If you made your LPA on or after 1 July 2015, you'll have used one of these:

- the LPA digital service on www.gov.uk
- 'Lasting power of attorney' form LP1H for health and care decisions
- 'Lasting power of attorney' form LP1F for financial decisions

If you made your LPA using the digital service and you now want to register it, go to www.gov.uk/power-of-attorney and log back into your account.

If you used either paper form after 1 July 2015, you must use sections 12 to 15 of the same form. Use 'Make and register your lasting power of attorney: a guide' (LP12) for help filling in sections 12 to 15 of the LPA form. Find it at www.gov.uk/opg/power-of-attorney-forms or you can ask the Office of the Public Guardian (OPG) for a copy (see page 15).

You must register

Your LPA cannot be used until OPG has registered it.

If you made your LPA before 1 July 2015, use the 'Register your lasting power of attorney' form (LP2).

Before OPG registers it, we make sure that:

- the LPA is legally correct
- the LPA has no errors
- people have had the opportunity to object if they have concerns

Register now

If you apply to register your own LPA now, OPG can spot any mistakes. Mistakes can only be corrected if you have mental capacity.

If you delay registration and lose mental capacity, your attorney(s) can apply to register your LPA. However, it won't be possible to correct mistakes. If there are mistakes, OPG can't register the LPA and it can't be used.

Your attorney(s) (or someone else) will then have to apply to the Court of Protection for the power to make decisions for you or for a declaration that the LPA can be treated as valid. This can be a long and costly process. However, you can delay if you want.

Before you post the LPA

You must tell any 'people to be told' (also called 'named persons') before you send your LPA to OPG. Use the 'Form to notify people' (LP3) to tell them. There are more details on page 10 of this guide.

There is a legal four-week wait before OPG can register an LPA. This gives any named persons/people to be told a chance to object.

Part B – Fill in the ‘Register your lasting power of attorney’ form (LP2)

‘You’ means the person applying to register

When you see the word ‘you’ from now on, it means the person applying to register the LPA: either the person who made the LPA (the ‘donor’) or attorney(s).

Part B1 – About the lasting power of attorney

Fill in section 1

Fill in the donor’s name. You must give the name exactly as it appears on the LPA form – even if there’s an error in it.

Mark one box only to state which type of LPA is being registered: finance or health and care. If you want to register two LPAs, you need to fill in an LP2 registration form for each.

Part B2 – The applicant

Fill in section 2

Mark one box only to state whether you are the donor or attorney(s).

If there is more than one attorney, you can usually apply to register the LPA on your own. But all attorneys must apply together if either:

- the donor has stated on the LPA form that all attorneys must apply to register
- you are appointed ‘jointly’ or ‘together’

Check how the attorneys are appointed by looking at section 4 of the LPA form.

You must give your name(s) and date(s) of birth exactly as they appear on the LPA form – even if there's an error.

Part B3 – Who do you want to receive the LPA?

Fill in section 3

You need to choose one person we can contact if we have any questions. This person will also receive the registered LPA document.

Mark one of three options:

- the donor
- an attorney
- other

If it's the donor, check that the address you gave in section 1 of the LPA form is correct. If you've moved, give your new address here.

If it's an attorney, check that your address is written in the LPA and is correct. If it's not, give your correct address here, including postcode

If you mark 'other', fill in the contact's name and address here, including postcode.

Part B4 – Application fee

The Office of the Public Guardian (OPG) cannot register your LPA until you've paid the fee.

Registering one LPA cost £82 when this guide was printed but fees can change. Check that you're paying the right amount at www.gov.uk/power-of-attorney/register or call our contact centre on 0300 456 0300.

Fill in section 4

How would you like to pay?

If you pay by card, do not send your debit or credit card details. Write your phone number and OPG will call you to take the payment. If you pay by cheque, send a cheque made payable to 'Office of the Public Guardian' with your application. Write the donor's name on the back of the cheque.

Reduced application fee

If the donor has a low income, you might not have to pay the full amount. If you're applying for a reduction:

- mark the 'I want to apply to pay a reduced fee' box
- fill in 'Application for exemption or remission of LPA/EPA application fees' form LPA120
- send the LPA120 to OPG with the LPA form and proof of the donor's low income

Form LPA120 has guidance which explains:

- who qualifies for a reduced fee or no fee
- what proof you'll need to send to OPG

If you don't have an 'Application for exemption or remission of LPA/EPA application fees' form LPA120, you can:

- download it from website
www.gov.uk/opg/power-of-attorney-forms
- call our contact centre and ask for a copy on
0300 456 0300

If you want to register the LPA quickly and don't have proof of the donor's low income now, pay the full fee. You then have three months to apply for a refund using LPA120.

Things to remember

Reduced fees are often refused or delayed because people make mistakes. Remember:

- only apply for a reduction based on the donor's income
- send proof of the donor's low income or benefits – if you don't, OPG will turn down the application for a reduced fee
- proof must be recent and cover the date you're applying to register
- OPG can't accept bank statements alone as proof of income

Part B5 – Signature

Fill in section 5

You must read and sign section 5. You are signing to say that you are applying to register the LPA and that you have already informed any people to notify (also called 'people to be told' or 'named persons'). You do this by sending form LP3 to the people to notify. See part C of this guide.

If you are an attorney and you're appointed to act jointly, you and all the other joint attorneys must sign. If there are more than four joint attorneys, make copies of section 5 for the other attorneys to sign.

Part B6 – Addresses

Fill in section 6

If the donor or any attorney has moved home since the LPA was made, fill in the most recent address(es) here.

If the LPA was made before 1 October 2009, then you must write all the attorneys' names and addresses here. (The date when the LPA was made is the latest date that it was signed.)

If you're not sure when it was made, check the date that LPA was signed.

If you need to write more than four addresses, you can photocopy section 6.

Part C – People to be told/named persons (form LP3)

Use the 'Form to notify people' (LP3) to tell people to be told/named persons.

Tell each person

Send 'Form to notify people' (LP3) to all named persons/people to be told in the LPA.

If you're registering two LPAs and the people to be told/named persons are the same for both, you must notify each person **twice**. In this case, each person will get two LP3 forms: one LP3 form for each LPA.

Find out the details of the people to notify

Look in:

- part A, section 9, of LPA form 114 or 117 (they're called 'people to be told' here)
- part A, section 10, of LPA form LPA PW or PA (they're called 'named persons' here)

If two or more people are named on the LPA form, you can save time by filling in pages 5 to 8 of form LP3 and then photocopying it – one for each person.

If there are no people to notify/people to be told/named persons written on the LPA form, you don't need to fill in form LP3.

Fill in:

- the details of any people to be told/named persons on page 3
- the donor's details, including when they signed their LPA, on page 5

- the type of LPA and who is applying to register it on page 5
- attorneys' details on pages 6 to 8

Attorneys

To find out who the original attorneys are, look at the LPA form:

- part A section 2 of form LP114 or LPA117 (and, if there are more than two attorneys, continuation sheet A1)
- part A section 3 of form LPA PW or LPA PA

Send **all** the people to be told/named persons their LP3 forms **before** you send the LPA form to the Office of the Public Guardian (OPG) for registering.

More information

'Form to notify people' (LP3) explains why and how people to be told/named persons can object to the LPA being registered. These are known as 'factual' and 'prescribed' grounds. People can't just object because they don't want it to be registered.

Where there are no concerns

If a person who has been notified has no concerns, they don't have to do anything.

Where there are reasons to object to the LPA

If a person who has been notified wants to raise concerns about the LPA, they have three weeks to object to OPG from the date they were told.

Part D – Cancelling your LPA, concerns about attorneys, privacy policy and contacting OPG

Cancelling your LPA

You (the donor) can cancel your LPA at any time, as long as you have mental capacity. It doesn't matter if the LPA is registered.

If it's registered, you must write a 'deed of revocation' to cancel it. This is an example of a deed of revocation that you can use:

This deed of revocation is made by [donor's name] of [donor's address].

1. I granted a lasting power of attorney for financial decisions/health and care decisions [delete as appropriate] on [date you signed the LPA] appointing [name of first attorney] of [address of first attorney] and [name of second attorney] of [address of second attorney] to act as my attorney(s).

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2. I revoke the lasting power of attorney and the authority granted by it.

Signed and delivered as a deed [donor's signature]

Date signed [date]

Witnessed by [signature of witness]

Full name of witness [name of witness]

Address of witness [address of witness]

You must sign and date the deed while watched by a witness, who must also sign and date it.

Your witness doesn't have to be the same one you used for your original LPA.

You must then send the deed to the Office of the Public Guardian (OPG) with the original, registered LPA document.

You must also tell all your attorneys that you're cancelling your LPA.

You can find out more at www.gov.uk/power-of-attorney/end

If you don't have access to the internet at home, your local library can help you.

Concerns about attorneys

OPG protects people who don't have the mental capacity to make decisions for themselves.

If anyone believes that attorneys are not acting in a donor's best interests, they can raise concerns with OPG, the police or social services.

Privacy and your personal information

This privacy notice sets out the standards that you can expect when we ask for, use and share your personal information. It tells you how to get access to the information we hold on you.

The Office of the Public Guardian is an executive agency of the Ministry of Justice.

The Ministry of Justice is the 'data controller' for the purposes of the Data Protection Act 1998 and is responsible for the personal information that we hold.

We use your information to help us carry out the duties of the Public Guardian, in line with the Mental Capacity Act 2005.

We collect your personal information when:

- you apply to register a power of attorney
- you apply to register a lasting power of attorney using the LPA digital service at www.gov.uk/power-of-attorney
- you pay a fee using a credit card, debit card or by direct debit
- you agree to take part in our customer research
- you contact us with a question
- you make a complaint

We will use your personal information to:

- register your power of attorney
- process your fee payment
- keep a register of powers of attorney
- carry out customer research
- carry out administration

When we ask for your personal information we promise to:

- ask only for the information we need
- make sure that your information is safe and no unauthorised person has access to it
- make sure that we do not keep your information any longer than we have to
- give you the chance to ask us to change your information if you believe it is wrong

In return, we ask you to:

- make sure that the information you give us is accurate
- tell us about any relevant changes to your personal situation (such as a change of name, title or address) as soon as possible

Contact us

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

Email: customerservices@publicguardian.gsi.gov.uk

Telephone: 0300 456 0300

Textphone: 0115 934 2778

Calling from abroad: +44 300 456 0300

Monday to Friday: 9am to 5pm (except Wednesday)

Wednesday: 10am to 5pm

Website: www.gov.uk/opg