

# Information

## Registration of a Lasting Power of Attorney

### Introduction

Before either a Property and Financial Affairs Lasting Power of Attorney (LPA) or a Health and Welfare LPA can be used it must be registered with the Office of the Public Guardian (OPG). The registration process can take place any time after the LPA has been made. It can therefore be registered immediately once it has been completed. The advantage of this is that the LPA will be ready to be used by the attorneys when it is needed. The disadvantage is that if a subsequent LPA is made this too will need to be registered before it can be used. There is a registration fee on each occasion. It is important to note that changes cannot be made to any part of a registered LPA.

### Registration of LPAs

The application to register an LPA may be made by either the donor or the attorneys. It is necessary to make separate applications to register Property and Financial Affairs LPAs and Health and Welfare LPAs. A fee is payable in respect of each registration.

Where an LPA is being registered by attorneys appointed jointly the attorney must also apply for registration together. If the attorneys are appointed jointly and severally, then any one of them may make the application. The OPG will give formal notification to the donor of the application as well as any other attorneys who have not applied to register.

The attorneys need to notify the people to be told listed in the LPA. Once all of the necessary documents have been lodged with the OPG a registration date is set. This will be six weeks from the date that the OPG gives notice to any persons who did not join in the application to register.

### Information for donors applying to register an LPA

The donor does not have to give notice to the attorneys of the intention to register. Although it would be sensible to discuss the intention with them, the OPG formally notifies the attorneys of the application in any event. The donor also needs to notify the people to be told listed within the LPA.

Once the documents are lodged the OPG will set a registration date six weeks from the date that the OPG sends out notification to the attorneys.

It is important to remember that an unregistered LPA cannot be used to make decisions on the donor's behalf. If, therefore, an urgent decision needs to be made on behalf of the donor but the LPA has not yet been registered, it may be necessary to apply to the Court of Protection for an Order on that decision. This will entail the payment of a fee.

### Disclaimer

This information sheet is written as a general guide. As any course of action must depend on your individual circumstances, you are strongly recommended to obtain specific professional advice before you proceed.

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## Registration of a Lasting Power of Attorney (continued)

We do not accept any responsibility for action which may be taken as a result of having read this information sheet.

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