

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 completed by the donor and attorneys.

However, if the LPA has not yet been registered and an urgent decision needs to be made on behalf of the donor, 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.

The application to register an LPA may be made either by the donor or the attorneys. It is necessary to make separate applications to register a property and financial affairs LPA and a health and welfare LPA. An OPG registration fee is payable in respect of each LPA.

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 if any are listed within the LPA.

Registration of LPAs by attorneys

Where an LPA is being registered by attorneys appointed jointly they must apply 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 to any attorneys who have not applied to register.

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

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

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.

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

The law is stated as at 30 June 2021.

If you require further information, please discuss with your usual contact in the firm or email Una Angus at una.angus@ts-p.co.uk

Alternatively, please speak with Una or another member of the Private Client team on 01892 510000.

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