

**Make, register or end a lasting power of attorney**

1. **Overview**

 A lasting power of attorney (LPA) is a legal document that lets you (the ‘donor’) appoint one or more people (known as ‘attorneys’) to help you make decisions or to make decisions on your behalf.

 This gives you more control over what happens to you if you have an accident or an illness and can’t make your own decisions (you ‘lack mental capacity’).

 You must be 18 or over and have mental capacity (the ability to make your own decisions) when you make your LPA.

 You don’t need to live in the UK or be a British citizen.

 This guide is also available [in Welsh (Cymraeg)](https://www.gov.uk/atwrneiaeth).

 There are 2 types of LPA:

* health and welfare
* property and financial affairs

 You can choose to make one type or both.

 There’s a different process in [Scotland](http://www.publicguardian-scotland.gov.uk/power-of-attorney) and [Northern Ireland](http://www.nidirect.gov.uk/managing-your-affairs-and-enduring-power-of-attorney).

1. **How to make a lasting power of attorney**
2. [Choose your attorney](https://www.gov.uk/power-of-attorney/choose) (you can have more than one).
3. Fill in the forms to [appoint them as an attorney](https://www.gov.uk/power-of-attorney/make-lasting-power).
4. [Register your LPA](https://www.gov.uk/power-of-attorney/register) with the Office of the Public Guardian (this can take up to 10 weeks).

 It costs £82 to register an LPA unless you get a [reduction or exemption](https://www.gov.uk/government/publications/power-of-attorney-fees).

 You can [cancel your LPA](https://www.gov.uk/power-of-attorney/end) if you no longer need it or want to make a new one.

1. **Health and welfare lasting power of attorney**

 Use this LPA to give an attorney the power to make decisions about things like:

* your daily routine, for example washing, dressing, eating
* medical care
* moving into a care home
* life-sustaining treatment

 It can only be used when you’re unable to make your own decisions.

1. **Property and financial affairs lasting power of attorney**

 Use this LPA to give an attorney the power to make decisions about money and property for you, for example:

* managing a bank or building society account
* paying bills
* collecting benefits or a pension
* selling your home

 It can be used as soon as it’s registered, with your permission.

1. **Help deciding if you should make a lasting power of attorney**

 Contact the Office of the Public Guardian if you need help.

 **Office of the Public Guardian**
 customerservices@publicguardian.gsi.gov.uk
 Telephone: 0300 456 0300
 Textphone: 0115 934 2778
 Monday, Tuesday, Thursday, Friday, 9am to 5pm
 Wednesday, 10am to 5pm
 [Find out about call charges](https://www.gov.uk/call-charges)

1. **Choose your attorney**

 You can choose one or more people to be your attorney. If you appoint more than one, you must decide whether they’ll make decisions separately or together.

 **Who can be your attorney**

 Your attorney needs to be 18 or over. They could be:

* a relative
* a friend
* a professional, for example a solicitor
* your husband, wife or partner

 You must appoint someone who has the mental capacity to make their own decisions.

 Your attorney doesn’t need to live in the UK or be a British citizen.

 When choosing an attorney, think about:

* how well they look after their own affairs, for example their finances
* how well you know them
* if you trust them to make decisions in your best interests
* how happy they will be to make decisions for you

 Read about an [attorney’s responsibilities](https://www.gov.uk/lasting-power-attorney-duties) to help you with your decision.

 You can’t choose someone who is subject to a [Debt Relief Order](https://www.gov.uk/options-for-paying-off-your-debts/debt-relief-orders) or is [bankrupt](https://www.gov.uk/bankruptcy/when-bankruptcy-ends) if you’re making a lasting power of attorney (LPA) for property and financial affairs.

1. **If there’s more than one attorney**

 If you’re appointing more than one person, you must decide if they’ll make decisions:

* separately or together - sometimes called ‘jointly and severally’ - which means attorneys can make decisions on their own or with other attorneys
* together - sometimes called ‘jointly’ - which means all the attorneys have to agree on the decision

 You can also choose to let them make some decisions ‘jointly’, and others ‘jointly and severally’.

 Attorneys who are appointed jointly must all agree or they can’t make the decision.

1. **Replacement attorneys**

 When you [make your LPA](https://www.gov.uk/power-of-attorney/make-lasting-power) you can nominate other people to replace your attorney or attorneys if at some point they can’t act on your behalf anymore.

1. **Make a lasting power of attorney**

 You can make a lasting power of attorney (LPA) online or using paper forms.

 Either way, you need to get other people to sign the forms, including the attorneys and witnesses.

 You can get someone else to use the online service or fill in the paper forms for you, for example a family member, friend or solicitor.

 You must [register your LPA](https://www.gov.uk/power-of-attorney/register) or your attorney won’t be able to make decisions for you.

 It might take longer to make and register an LPA because of coronavirus (COVID-19). It will be quicker if you make it and pay online.

1. **Make an LPA online**

 Create an account to [start your LPA](https://www.lastingpowerofattorney.service.gov.uk/signup).

 You can:

* get help and guidance at each step
* save your forms and complete them later
* review your answers and fix any mistakes

 You need to print out the forms and sign them when you’ve finished.

 **Sign in to your account**

 Sign in to [continue making your LPA](https://www.lastingpowerofattorney.service.gov.uk/login).

 **Use the paper forms**

 [Download the forms](https://www.gov.uk/government/publications/make-a-lasting-power-of-attorney) and print them out.

 **Signing the forms**

 You need to sign the forms before you send them off. They also need to be signed by:

* the attorneys
* witnesses
* a ‘certificate provider’, who confirms you’re making the LPA by choice and you understand what you’re doing

 Everyone must sign the same original document. They cannot sign copies or use digital signatures.

 **Who can be a witness or certificate provider**

 Witnesses and certificate providers must be 18 or over.

 Attorneys can witness each other sign, but they can’t:

* witness you sign
* sign as the certificate provider

 You can’t be a witness if you’re the person appointing an attorney.

1. **Get help**

 Ask the Office of the Public Guardian about help you can get if you:

* don’t have a computer or internet access
* want to use the online service but need some help

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1. **Register a lasting power of attorney**

 When you’ve made your lasting power of attorney (LPA), you need to register it with the Office of the Public Guardian (OPG).

 It takes between 8 and 10 weeks to register an LPA if there are no mistakes in the application.

 You can apply to register your LPA yourself if you’re able to make your own decisions.

 Your attorney can also register it for you. You’ll be told if they do and you can [object to the registration](https://www.gov.uk/object-registration).

 **Notify people**

 Before you register, send a [form to notify people (LP3)](https://www.gov.uk/government/publications/make-a-lasting-power-of-attorney) to all the ‘people to notify’ (also called ‘people to be told’) you listed in the LPA.

 They’ll have 3 weeks to raise any concerns with OPG.

 If you’re using [the online service](https://www.lastingpowerofattorney.service.gov.uk/home) to make and register an LPA, it will create and fill in the LP3 forms for you.

 **How to register**

 Apply to register as soon as you’ve sent forms to notify people.

 The way you register depends on how you made your LPA:

* use [the online service](https://www.lastingpowerofattorney.service.gov.uk/home), if that’s what you used to make your LPA
* fill in sections 12 to 15 of your form if you made your LPA using paper forms LP1F or LP1H

 If you’re using a paper form to register, you need to sign it and send it to OPG.

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

 The address is also on the form. Make sure you include the original LPA form and the fee.

 You can send a [certified copy](https://www.gov.uk/power-of-attorney/certify) if you don’t have the original form. Write a covering letter to explain why you don’t have the original.

 **If you made your LPA with an older paper form**

  You can register by filling in [form LP2](https://www.gov.uk/government/publications/register-a-lasting-power-of-attorney) if you made your LPA:

* on forms LPA114 or LPA117 before 1 January 2016
* on forms LP1F or LP1H before 1 April 2011

 Otherwise you’ll need to make a new LPA.

 **How much it costs**

 It costs £82 to register each LPA unless you get a reduction or exemption.

 This means it costs £164 to register both a property and financial affairs LPA and a health and welfare LPA.

 You can pay by:

* credit or debit card - OPG will contact you to process the payment
* cheque

 Make your cheque payable to ‘Office of the Public Guardian’ and write your name on the back. Send it to OPG with your forms.

 **If you make a mistake on your form**

  Depending on the type of mistake, OPG may let you correct it and apply again within 3 months for £41.

 **Get a reduction or exemption**

 You can apply for a reduction if you earn less than £12,000. You might also be able to apply for an exemption if you’re on certain benefits, such as Income Support.

 Download and fill in the [application form](https://www.gov.uk/government/publications/power-of-attorney-fees). The form has more information about eligibility.

1. **Certify a copy of a lasting power of attorney**

 You can confirm that a copy of your lasting power of attorney (LPA) is genuine by ‘certifying’ it if you’re still able to make your own decisions.

 You or your attorney can use a certified copy to register your LPA if you don’t have the original form.

 Your attorney can also use the certified copy to prove they have permission to make decisions on your behalf, for example to manage your bank account.

 **How to certify a copy**

 Write the following text on the bottom of every page of the copy:

 “I certify this is a true and complete copy of the corresponding page of the original lasting power of attorney.”

 On the final page of the copy, you must also write:

 “I certify this is a true and complete copy of the lasting power of attorney.”

 You need to sign and date every page.

 **Other ways to certify a copy**

 Copies of your LPA can also be certified by:

* a solicitor
* a person authorised to carry out notarial activities
1. **Change your lasting power of attorney**

 You can make changes to your lasting power of attorney (LPA) even if it’s been registered, as long as you still have mental capacity to make decisions.

1. **If you want to remove one of your attorneys**

 You will need to send the Office of the Public Guardian (OPG) a written statement called a ‘partial deed of revocation’.

 If you want to add another attorney you need to [end your LPA](https://www.gov.uk/power-of-attorney/end) and make a new one.

 Use the following wording. Replace the words in the square brackets with the relevant details.

1. **Partial deed of revocation**

 “This partial deed of revocation is made by [donor’s name] of [donor’s address].

 1: I granted a lasting power of attorney for property and financial affairs/health and welfare [delete as appropriate] on [date donor signed the lasting power of attorney] 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).

 2: I hereby revoke [attorney’s name that you are revoking] ONLY from the lasting power of attorney and the authority granted to him/her.

 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]”

 **Where to send a partial deed of revocation**

 Send the partial deed of revocation to the Office of the Public Guardian (OPG) with the original LPA document. You must also tell your attorney or attorneys that you’re ending your LPA.

 Office of the Public Guardian
 PO Box 16185
 Birmingham
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1. **If your attorney’s details change**

 You must write to OPG if one of your attorneys has changed their:

* name - by marriage or deed poll
* address

 You need to provide supporting documents, such as the original marriage certificate, with their new name and address.

 Do not make changes to your LPA document itself, as it might become invalid. You must contact OPG to make changes to your LPA.

 **If one of your attorneys dies**

 You must tell OPG and send them:

* a copy of their death certificate
* the original LPA
* all certified copies of the LPA
* a return address where your documents can be sent back to

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1. **End your lasting power of attorney**

 You can end your lasting power of attorney (LPA) yourself - if you have mental capacity to make that decision.

 You need to send the Office of the Public Guardian (OPG) both:

* the original LPA
* a written statement called a ‘deed of revocation’

 Use the following wording for the deed of revocation. Replace the words in the square brackets with the relevant details.

 **Deed of revocation**

 “This deed of revocation is made by [your name] of [your address].

 1: I granted a lasting power of attorney for property and financial affairs/health and welfare (delete as appropriate) on [date you signed the lasting power of attorney] 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).

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

 Signed and delivered as a deed [your signature]
 Date signed [date]
 Witnessed by [signature of witness]
 Full name of witness [name of witness]
 Address of witness [address of witness]”

 **You must be able to make your own decisions when you end your LPA.**

 You can also [complain if you have concerns about your attorney](https://www.gov.uk/report-concern-about-attorney-deputy), for example if they’re not carrying out their responsibilities properly.

 **Other ways a lasting power of attorney can end**

 Your LPA may end if your attorney:

* loses the ability to make decisions - ‘loses mental capacity’
* divorces you or ends your civil partnership if they’re your husband, wife or partner
* becomes bankrupt or they’re subject to a [Debt Relief Order (DRO)](https://www.gov.uk/options-for-paying-off-your-debts/debt-relief-orders) - if they’re a property and financial affairs attorney
* is removed by the Court of Protection
* dies

 **If your only attorney dies**

 Your LPA will end if your attorney dies and you have no replacement attorneys. You must tell OPG and send them:

* a copy of their death certificate
* the original LPA
* all certified copies of the LPA
* a return address where your documents can be sent back to

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 Your LPA can continue if:

* there are other attorneys who can act [‘jointly and severally’](https://www.gov.uk/power-of-attorney/choose) - but not if they are only allowed to act ‘jointly’
* there are [replacement attorneys](https://www.gov.uk/lasting-power-attorney-duties/replacement-attorneys)

 **If you die**

 Your LPA will end automatically when you die. Your affairs will be looked after by your executors or personal representatives from that point, not your attorney.

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