Chorley Building Society
TRUSTED SINCE 1859

Power of Attorney Help Sheet

What is a Power of Attorney?

A Power of Attorney is a legal document which allows someone (the 'attorney') to make decisions on behalf of someone else (the 'donor').

When someone agrees to act as an attorney, they agree to always make decisions in the best interests of the donor and can only act in accordance with what is set out in the power of attorney document.

What can an Attorney Do?

When any power of attorney is set up the attorney(s) agree to only make decisions in the best interests of the donor and in accordance with any instructions set out in the power of attorney document.

It is up to the donor to decide what an attorney(s) can (or cannot) do on their behalf.

Types of Power of Attorney

There are different types of power of attorney available depending on what kind of support the donor wants and where they live in the United Kingdom.

1. Lasting Power of Attorney (LPA)

This type of power of attorney is available in England and Wales and there are two types of lasting power of attorney:

Health and Welfare LPA

Gives the attorney the power to make decisions about the donors personal care such as medical care or where they should live.

Property and financial affairs LPA

Allows the attorney to manage things like buying and selling property and managing money on behalf of the 'donor'.

The LPA is designed for long-term support and can start either start as soon as it has been registered with the Office of Public Guardian or only if the donor loses mental capacity in the future.

2. Continuing and Combined Power of Attorney

Available only in Scotland but works in a similar way to the LPA.

Continuing Power of Attorney

This can be set up to make decisions about either money or property or healthcare and medical treatment.

Combined Power of Attorney

This allows the same attorney to manage both money and welfare needs on behalf of the 'granter'.

The power of attorney must be set up whilst the granter has mental capacity and sets out when the document should start which can either be when it is registered with the Office of Public Guardian Scotland or only if the granter loses mental capacity.

3. Enduring Power of Attorney (EPA)

Available only in Northern Ireland to allow someone to manage decisions about money and property.

It must be set up whilst the donor has mental capacity but can either start at the point that the document is signed or at the point that mental capacity is lost. It must be registered with the High Court (Office of Care and Protection) at the point the donor loses mental capacity.

4. General Power of Attorney (GPA)

This type of power of attorney is designed to provide short-term support with money and property decisions in scenarios where the donor might be unwell or to help complete a specific transaction such as sell a property and is set up for a fixed period of time. It ends automatically if the donor loses capacity.

Making changes to a Power of Attorney

A General Power of Attorney can simply be replaced with a new document and the existing one marked as 'cancelled' or 'revoked'.

For all other types of power of attorney the donor can make changes to or end the power of attorney using a deed of revocation.

To make changes contact should be made with the relevant registration agency, for example, in England and Wales the Office of Public Guardian.

When does a Power of Attorney End?

With the exception of a General Power of Attorney generally it will only end when the donor dies.

It may also end in the event that there is no suitable replacement attorney in the following circumstances:

- The attorney is managing a money and property power of attorney but is made bankrupt or subject to a debt relief order
- The attorney dies
- The attorney loses mental capacity

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Register a Power of Attorney

The Attorney(s) need to register the power of attorney with the Society in order to access the donor's accounts.

This can either be completed in branch, by post or via email.

Power of Attorney Document

The power of attorney document must relate to **Financial and Property Affairs** or **Money or Property** and we require either the original sealed document or a certified copy which must be signed and dated on each page of the document by a Solicitor. We can also accept an online **LPA Access Code** if available.

Application Form

In addition, the **Application to Register a Power of Attorney or Court of Protection Order** must be completed and signed by all attorneys.

The form must confirm whether there are any restrictions on what decisions the attorney(s) can make.

If there is more than one attorney please confirm whether decisions must be made jointly (all attorneys) or jointly and severally(attorneys can either make decisions together or on their own).

The attorney(s) must also confirm whether the donor is capable of managing their own financial affairs to establish whether they are able to continue to transact on their accounts.

Identification

To meet the requirements of the Society's identification criteria, the Society will undertake an electronic check through its chosen credit agency in order to fulfil this. If the electronic check is unsuccessful, we will require one form of identification from List A and one from List B as stated in our **Identification Criteria**.

Correspondence

The Society will continue to issue all correspondence to the donor at their registered correspondence address unless advised otherwise. If the Attorney(s) require either copies of all correspondence or for all correspondence to only be sent to the Attorney(s) this must be clearly documented on the application form.

What can an Attorney(s) Do?

Subject to there being no specific restrictions in the power of attorney document the Attorney(s) can manage accounts in the same way as the account holder. This includes checking transactions, making withdrawals and depositing funds. They can also set up regular payments (standing orders), make transfers between new and existing accounts and open and close accounts.

If the account holder has a mortgage with the Society the Attorney(s) can request information about the mortgage, manage mortgage payments, transfer to a new mortgage product and sell the property.

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