

# Application to register a Lasting Power of Attorney

## Guidance Notes for completing the application form LPA002

Please complete the form LPA002 in BLOCK CAPITALS using a BLACK ballpoint pen, ensuring that all relevant sections are completed clearly. This will enable us to process the information quickly and accurately.

### Please note the following information:

- Form LPA002 cannot be used for registration of an Enduring Power of Attorney.
  - If you are registering more than one LPA you must complete a **separate form LPA002 for each** LPA you are registering.
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## Part 1 – The donor

Part one covers the information we need about the ‘donor’ of the Lasting Power of Attorney (LPA) to register it. The donor is the person who has appointed an attorney/s to manage their property and financial affairs or health and welfare when first setting up the LPA.

To complete this, please:

- Fill in the box that relates to the donor’s title. If the correct title does not appear, please provide the one now used in the boxes provided to the right.
- **Please Note:** The donor’s surname should be inserted in the line where it says, ‘last name’.
- **Please Note:** The next two lines are for forename/s. Please ensure that only the donor’s first name is inserted where it says, ‘Forename 1’.
- Where the donor is living in a hospital or care home, the name of this should be entered where it says ‘Address 1’.
- When completing the address lines, please ensure that the town or city appears where requested.
- **Please Note:** Include the donor’s postcode in the boxes provided after the address details.
- If the donor’s address on the LPA is different from the one that is shown on the application form, provide the original address in Part 12 of the form under any additional information and say that the address has changed.

- Complete the boxes requesting the donor’s date of birth, putting the day, month and year of birth. If you don’t know this, you should be able to find it in the LPA, in Part A under the Donor’s name and address. If the date of birth differs from the date stated on the LPA itself, please explain, if you are able, the difference in Part 12 of the form and provide a copy of the donor’s birth certificate as evidence.

## Part 2 – The person(s) making the application

It is very important for the OPG to know who is applying to register the LPA. Part two of the form informs us who is applying to register the LPA. It may be the donor, the attorney(s) or some other person appointed to apply. The application can be made by the donor or the attorney(s).

- If you are the donor or representing the donor applying please place an X in the box next to the statement that says – ‘Is the donor applying to register the Lasting Power of Attorney?’.
- If you are an attorney or representing an attorney applying please place an X in the box next to the statement that says - ‘Is the attorney applying to register the Lasting Power of Attorney?’.
- If joint attorneys have been appointed they must make the application jointly.
- If attorneys have been appointed to act jointly and severally one or more may make the application.

## Part 3 – How have the attorney(s) been appointed?

If more than one attorney has been appointed to act it is very important that we know **how** they have been appointed. Some of the terms used in the 2007 version of the LPA forms are different to those used below and in the LPA002 and LPA001.

‘Together’ means the same as ‘Jointly’.

‘Independently’ means the same as ‘Severally’.

Attorneys can be appointed to act:

- Jointly, which means that none of them can act independently (on their own): they must act together; or
- Jointly and severally, which means that they may all act together, or any of them can act independently (on their own); or
- Jointly in respect of some matters and jointly and severally in respect of others. For example, the donor may want both of their attorneys to act together in relation to the sale of their property but want them to act independently (on their own) when managing their bank accounts.

Please place an X in the appropriate box to indicate how the attorneys have been appointed to act.

If attorney's have been appointed to act **jointly** (rather than jointly and severally) then the LPA cannot be used if one of the jointly acting attorneys:

- Dies;
- Disclaims his or her attorneyship, or refuses to act, or is unable to act; or
- Becomes bankrupt (for property and financial affairs LPAs).

## Part 4 – The Attorney(s)

Part 4 of the form records the information we need about the attorney(s) the donor has appointed. We have allowed space to record the details of up to four attorneys, however if the donor has appointed more than four attorneys then please record the relevant details in Part 12 of the form.

**Please Note:** You will need to indicate by placing an X in the box provided if the attorney is making the application to register the LPA.

- If it is a professionally appointed attorney, please put the name of the company in the line where it says ‘Company Name’. The rest of the form should be completed as before;
- The boxes entitled ‘DX’ will usually only be used by solicitors;
- The attorney's date of birth should be entered in the boxes provided, putting day, month and year;
- The attorney's occupation and contact details including telephone numbers and e-mail address must be entered on the form in the boxes provided;
- It is very important to explain the relationship the attorney(s) have with the donor by ticking the box that best describes the relationship.

## Part 5 – Notification of people to be told

This part of the form covers the details of those people the donor has requested be notified upon an application to register their LPA. These people were known as ‘named persons’ in the 2007 version of the LPA forms.

**Please Note:** You will need to specify if more than one person has given notice to the notifiable parties by placing an X in either the ‘I’ or ‘We’ boxes provided.

- Insert the name and address details in the spaces provided. If there is not enough room please provide the details in Part 12 of the form or attach an additional sheet to the end of this form clearly marking what it is;
- **Please Note:** Include the postcode in the separate boxes provided after the address details;
- Insert the **actual date that the notice was sent to each person** in the boxes marked ‘Date Notice Given’.

## Part 6 – Fee Information

If you want to apply for exemption or remission of the application to register fee, you will need to mark the appropriate box. You will also need to complete the exemption or remission application form.

If you would like to pay by credit or debit card, please tick the relevant box and provide a contact number in the box below.

If the registration application form was provided to you by the OPG, our fee exemption and remission policy will have been sent to you. However, you can obtain a copy from our web site at [www.direct.gov.uk/mentalcapacity](http://www.direct.gov.uk/mentalcapacity)

## Part 7 – The type of power

This form can be used to apply for registration of either a property and financial affairs LPA or a health and welfare LPA. Please indicate the type of LPA being registered and the date it was signed by the donor.

**Please Note:** You will need to specify if more than one person applying to register the LPA by placing an X in either the 'I' or 'We' boxes provided.

- Place an X in the box to denote which type of LPA is being applied for;
- Insert the date the donor signed the LPA;
- Please also indicate whether to your knowledge any other Lasting Powers of Attorney or Enduring Powers of Attorney have been made, if there has please give details in the box provided.

## Part 8 – Declaration by the donor

This section only applies if the donor is making the application to register the LPA. It is for them to certify that their application complies with the provisions of the Mental Capacity Act 2005 and all the Rules and Regulations. Copies of these are available online.

- Insert the date the form has been signed in the box marked 'dated'.

## Part 9 – Declaration by the attorney(s)

This section only applies if the attorney is making the application to register the LPA. It is for them to certify that their application complies with the provisions of the Mental Capacity Act 2005 and all the Rules and Regulations. Copies of these are available online.

- Each attorney applying must sign and date the form in the boxes provided.

We have allowed space for up to five attorneys to complete the declaration, however if there are more than five attorneys then please record the relevant details in Part 12 of the form.

## Part 10 – Declaration by a trust corporation

This section only applies if a trust corporation is making the application to register the LPA. It is for them to certify that their application complies with the provisions of the Mental Capacity Act 2005 and all the Rules and Regulations. Copies of these are available online.

- The company seal may be placed in the box provided.

**Please note:** If the trust corporation does not have a seal then:-

- The company secretary and a Director must sign the declaration; or
- Two company directors must sign the declaration.

## **Part 11 – Correspondence address**

**Please Note: If this section is left blank, all correspondence will be sent to either the Donor if they are applying or to attorney one listed on the LPA002**

This section of the form requests the address where all future correspondence during the registration process is to be sent. Please note that:

- You can give the address of someone who is not the applicant and this will be used for general correspondence, but the registered instrument must be sent to the applicant or their solicitor if acting.
- The DX details will usually only apply to solicitors;
- Telephone numbers and e-mail addresses should be completed where applicable.

This information is very important and care should be taken to ensure that it is completed with accuracy.

## **Part 12 – Additional information**

This section is for any additional information required. For instance if there are more than four attorneys (see Part 4), then the details should be entered here.

**If you need further help in completing the form, or you require further guidance on making a Lasting Power of Attorney, or taking on the role of Attorney, please phone 0300 456 0300.**

**Please return completed forms to:**

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