

Registering a power of attorney, or a Court of Protection order

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Sometimes, you might need someone else to help you use or run your accounts. Or, maybe you need to give a family member extra support.

This factsheet explains when a power of attorney can be used to do this. It also tells you about Court of Protection orders.

If you need help, please visit caterallen.co.uk/financial-wellbeing-and-support/life-events/power-of-attorney or call us on **0800 092 3300**.

When someone might need extra help

Reasons you or another account holder might need extra help with their account include.

- They're getting ready for when they might not be able to make their own decisions. For example, they might be worried about dementia when they get older. We call this 'loss of mental capacity'.
- They already have a loss of mental capacity.
- They're injured, disabled or unwell. Maybe they spend a lot of time in hospital or can't easily get out and about.
- They plan to leave the country for a while, and will find it hard to look after their finances.

In cases like these, they'll be more at ease knowing an extra person can help with their accounts. The account holder can get support for now, or for good.

Power of attorney (POA)

POA is a popular way for one person to give another access to their accounts. They now become the first person's 'attorney'.

The type of POA that applies depends on your situation.

◦ Ordinary Power of Attorney

This is sometimes also called a general POA. An account holder would usually set this up as it's hard for them to run their own finances. Perhaps because they have a disability or are going abroad.

An account holder can cancel an ordinary POA at any time. It also stops if the account holder has a loss of mental capacity.

◦ Enduring power of attorney (EPA)

The government's Office of the Public Guardian (OPG) stopped issuing EPAs from 1 October 2007.

An EPA can still be used if the account holder and attorneys each signed it before 1 October 2007. Someone will also need to have witnessed the signing.

An EPA will only be valid if set up with the OPG while the account holder could still make decisions.

Lasting power of attorney has now replaced EPA.

Lasting power of attorney (LPA)

Also known as continuing power of attorney (CPA) in Scotland.

There are two types:

1. Property and financial affairs

This lets someone view and run the account holder's personal finances.

2. Health and welfare

This lets someone make decisions about the account holder's medical treatment, and where they live. It doesn't let the person view or run the account holder's finances.

Before an LPA can be used, it must be registered with the OPG who'll place its seal on each page of the original document. We can only accept papers with this mark.

Once it's registered, and unless it says different, an LPA can be used while the account holder is still able to make decisions.

Account holders use LPAs to plan for the future now, while they still have full mental capacity. If and when they can no longer make decisions, an LPA they set up earlier will continue to apply.

Court of Protection (COP) orders

Also known as Court of Guardianship orders in Scotland, or Court of Controllership orders in Northern Ireland.

If the account holder's mental state means they can't make decisions for themselves, the court can appoint someone – a 'deputy' – to do so for them. These could be decisions about property, affairs, health and personal welfare.

Having more than 1 attorney or deputy

Where more than 1 attorney or deputy is appointed to act on behalf of an account holder, the documents may authorise them to act jointly or severally, or both. Unless the document for the POA or COP order says different, we'll set up each attorney or deputy as if they've been appointed jointly.

- **Jointly** - Attorneys or deputies need to make all decisions together. This means they can't use any services that let just 1 person act, like having a debit card. If 1 person can no longer act, the POA usually stops. This might happen if the person divorces the account holder. Or if they go bankrupt, can no longer make decisions, or die, or they may just decide to stop. In these cases, all attorneys need to be removed and a new POA or COP order set up. If the documents include new attorneys or deputies, the POA or COP order can carry on.
- **Jointly and severally** - Each attorney or deputy can act on their own. So, for example, each could use a debit card. If 1 person comes off the POA or COP order, the others keep their powers. If the account holder or courts choose more than 6 attorneys or deputies, only up to 6 can be added to the accounts at first. The account holder or courts can add more later.

Limits on POAs and COP orders

The account holder or court may limit or instruct how attorneys or deputies can run the account holder's finances.

We can't enforce these, only the date the agreement ends.

It's up to the attorney or deputy to run the account as the account holder or court has said.

If an attorney or deputy has gone bankrupt and this hasn't been discharged. Or they could be subject to a debt relief order, or winding up proceedings, they won't be able to apply for POA or COP. If any of these cases happen once the POA or COP has been set up, the attorney or deputy must tell us. They need to phone, or to write to us at the address on the form to register for a POA or COP order by post. After this, the person can no longer be an attorney or deputy.

Account holders using their own accounts

As long as an account holder can still make decisions, they can still use their accounts. This stops if the court sets up a deputy. Or if we know the account holder can only run their finances with the help of their attorney.

Help with types of POA and COP orders

To find out more about POAs and COP orders, go to [gov.uk/become-deputy](https://www.gov.uk/become-deputy)

Professional attorneys

Instead of using a friend or family member to be their attorney, an account holder could pay someone who works in a profession.

For example, this person could be an accountant, solicitor, or they could represent the local council. For us to register them, the person must work for a business in the UK.

If a 'trust corporation' has authorised this person, and the POA document names them, the account holder needs to get the right form. Please call us on **0800 092 3300**.

Help with specific accounts

Are you an attorney or deputy with questions about specific accounts and how you can use them? For help, call us on **0800 092 3300**.

Registering an attorney or deputy on a Cater Allen account

To register an attorney or deputy on a Cater Allen account, follow the steps below.

Step 1 – Get the document that gives a third party power to act on behalf of the account holder

This could be a power of attorney. Or a Court of Protection order, Court of Guardianship order (Scotland), or Court of Controllorship order (Northern Ireland).

For more details, go to [justice.gov.uk/about/opg](https://www.justice.gov.uk/about/opg)



Step 2 – Fill in our form to register a power of attorney or deputy

You can use our postal form if you're a private or professional attorney named on the legal document. Or if you're a person acting on a local council's behalf. To get this form, go to [caterallen.co.uk/financial-wellbeing-and-support/life-events/power-of-attorney](https://www.caterallen.co.uk/financial-wellbeing-and-support/life-events/power-of-attorney). If the power of attorney legal document names a trust corporation, please call us on **0800 092 3300** for the right form.

We can:

- give help and guidance
- help you find the form to register by post with
- help you complete the form
- make sure you're sent the right paper form if you're applying on behalf of a firm or local council, and the legal document doesn't name you
- check you have all the right power of attorney documents and ID to register smoothly.



Step 3 – Supply proof of ID

You'll need to provide 1 proof of ID from list 1, and another form of ID from list 2, of our Customer Identification Requirements document. You can find this at [caterallen.co.uk/banking-support/literature-and-rates/account-literature](https://www.caterallen.co.uk/banking-support/literature-and-rates/account-literature)

Sometimes, a third party will be a local council. In these cases:

- if the council chose more than 1 person to access the holder's account, we don't need ID as long as the right checks were done before the person started working
- if the council chose 1 person to access the holder's account, we need ID from List 1
- if the holder's account is to be closed and moved to an account in the local council's name, we don't need ID
- if the account is to be closed and the balance transferred to an account in the name of the local authority, then ID isn't required.



Step 4 – Post your form and proof of ID

Post everything to:

Cater Allen Operations
Sunderland
SR43 4FB

Once we get your form and proof of ID, we'll register the person and write to say we've done this. Or we'll contact you if we need more details.

What account access is provided?

Debits cards are available where the account only requires 1 person to sign. If an account requires more than 1 to sign, you can't have a debit card. For more information on how you can operate the account, please visit [caterallen.co.uk/media/g5qaxjpm/a-guide-to-your-account.pdf](https://www.caterallen.co.uk/media/g5qaxjpm/a-guide-to-your-account.pdf) or call us in **0800 092 3300**.

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