

April 2026

How to make and register a power of attorney

This guide can help you:

- Understand what a power of attorney is for your property and financial affairs
- Make and register a power of attorney
- Choose your attorneys
- End or make changes to your power of attorney

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Contents

What is a power of attorney?	2
Choosing someone to be your attorney	4
What if I can't afford a power of attorney?	6
Make a power of attorney in England and Wales	7
Make a power of attorney in Scotland	8
Make a power of attorney in Northern Ireland	9
Make sure you fill in the forms correctly	10
Setting up an ordinary (general) power of attorney	11
How to stay in control of your power of attorney	12
What to do with a power of attorney	14
Making changes to your power of attorney	15
What to do if you're having problems with an attorney	17
Useful contacts	20

What is a power of attorney?

A power of attorney is a legal document that allows one or more people to manage:

- your money and property, and/or
- your health and welfare. See **gov.uk/lasting-power-attorney-duties/health-welfare**

In this guide, we focus only on the power of attorney for property and financial affairs.

Types of power of attorney

A power of attorney has different names depending on where you live:

- **Lasting power of attorney** in England and Wales. Before October 2007, it was called an enduring power of attorney. This old type of power is still valid but can't be created any more.
- **Continuing power of attorney and combined power of attorney** in Scotland.
- **Enduring power of attorney** in Northern Ireland.

If you move from one UK nation to another, your power of attorney is still valid, though some organisations may not accept it without complex further steps. Consider setting up a new power of attorney while you are still able to do so, or seek legal advice.

You can also allow someone else to manage your financial affairs for a temporary period. This is called an **ordinary (or general) power of attorney**. It's only valid if you have mental capacity (see p11).

What can a power of attorney do?

The person making the power of attorney is called a **donor**. The person chosen to act on their behalf is called an **attorney**.

If you make a power of attorney, the attorney or attorneys you have appointed must act in your best interest in:

- temporary situations – for example, if you have a physical illness, injury, or you're abroad
- longer-term situations – so an attorney can step in if you lose the mental capacity to make your own decisions in the future.

An attorney can access your money, which might help them:

- pay bills for you
- pay your mortgage or rent
- pay for your care, and
- invest money for you.

They can also:

- claim benefits on your behalf
- sign or end a rental tenancy for you
- buy and sell your property, and
- arrange repairs for your property.

You can make it clear in your power of attorney when you'd like decisions to be made on your behalf to start (see p12).

Things to consider

- You can only make a power of attorney if you have mental capacity. This means you must be capable of making decisions for yourself. See **moneyhelper.org.uk/poa**
- It's a lot harder and more expensive for someone to help you with your money and property if you've already lost mental capacity.
- Without a power of attorney, your spouse, family or friends can't make decisions on your behalf.
- Think carefully about who you choose to manage your affairs and to discuss your wishes with them.

Choosing someone to be your attorney

An attorney can make decisions on your behalf, including what to do with your money and property. So only choose someone you trust fully.

Who should I choose to be my attorney?

It's important to choose someone you know well and trust. They could be:

- your husband, wife or partner
- a relative
- a friend.

You must appoint someone who is 18 or over and has the mental capacity to make their own decisions. They should:

- be willing to act for you
- be able to manage their own money well
- be confident enough to make decisions in your best interests
- have enough time to deal with any issues that come up
- support you to make your own decisions
- consider your wishes and feelings.

Be wary of choosing someone who is older than you. Years from now, they might not be the best person to act for you because of their own health issues. See **alzheimers.org.uk/get-support/legal-financial/who-choose-attorney**

Can I choose a professional to be my attorney?

If you don't want to choose someone else as your attorney, you can ask a professional like:

- a solicitor, or
- an accountant.

This is helpful if there are family conflicts or there's no one suitable to act for you.

Professionals charge for their time, so always discuss costs and details with them before setting up a power of attorney. Things to consider include:

- the risk of their business going bust
- when they might stop practising or retire.

Appointing more than one attorney might reduce these risks, but this could get expensive.

How many attorneys do I need?

You can choose more than one person to be your attorney. This can help:

- if one can no longer do it
- to have more people you trust, and
- spread the work.

If you're appointing more than one person, you can choose for them to act:

- **Jointly** – they must always make decisions together. If one of them dies, the power of attorney would become invalid – unless you've appointed replacements.
- **Jointly and severally** – they can make decisions together or individually. If one of them dies, the power of attorney would still be valid.
- **Jointly for some decisions and some individually** – certain decisions need to be made together. You choose what these are when you set up the power of attorney.

  If one can no longer act on your behalf or dies, your remaining attorneys won't be able to make any of the joint decisions unless you've appointed replacements.
- **Unspecified** – if you choose two or more attorneys and don't complete the section saying how they should act, they must act jointly.

Talking to someone about becoming your attorney

It's important to talk to the people you're choosing as your attorneys and explain how you'd like them to act for you.

You need to discuss:

- what's involved
- what you want them to do
- what your wishes are, and
- where all your paperwork is.

What if I can't afford a power of attorney?

If you're on certain means-tested benefits, you might be able to make a power of attorney for free – known as an exemption.

If you live in England and Wales, see **gov.uk/government/publications/power-of-attorney-fees** You might also qualify for a 50% discount if you have a low income.

If you live in Scotland, see **publicguardian-scotland.gov.uk/meta1/fee-exemption**



Make a lasting power of attorney in England and Wales

Go to **gov.uk/power-of-attorney**. The online service will provide the forms and guide you through the process. You can also download the forms and print them out to fill in. Or, have the forms sent to you by calling the Office of the Public Guardian. See contact details on this page.

There is a registration fee. Check **GOV.UK** to find the most up-to-date fee information.

The forms must be signed in this order:

1. The donor needs to sign.
2. A certificate provider confirms the decision. This must be someone that has known the donor for at least two years or is a professional like a GP or lawyer. They cannot be a relative. Many GPs charge around £50-£120.
3. The appointed attorney signs - each signature needs a witness.

If you want to talk to someone about making a lasting power of attorney or ask for the forms to be sent to you, contact the Office of the Public Guardian. See **gov.uk/government/organisations/office-of-the-public-guardian**

You can email **customerservices@publicguardian.gov.uk** or call:

Telephone: **0300 456 0300**
Relay UK (if you cannot hear or speak on the phone): **18001 0300 123 1300**

Monday, Tuesday, Thursday and Friday, 9:30am to 5pm
Wednesday, 10am to 5pm

Making and registering a continuing power of attorney in Scotland

The Office of the Public Guardian in Scotland doesn't provide standard documents for setting up a power of attorney.

You can write it yourself, but most people use a solicitor. You can search for one who specialises in this area at the Law Society of Scotland. See **lawscot.org.uk/find-a-solicitor/**

As part of the power of attorney process, you'll also need to have an interview with one of the following:

- a solicitor registered to practise law in Scotland
- a practising member of the Faculty of Advocates
- a registered UK medical doctor who holds a license to practise.

This is to confirm that you understand what you're doing. They'll then complete a certificate of capacity, which forms part of your power of attorney document.

When it's been drawn up, you (or your solicitor) need to register your power of attorney document with the Office of the Public Guardian. There is a registration fee. Check the Office of the Public Guardian's website to find the most up-to-date fee information. See **publicguardian-scotland.gov.uk/power-of-attorney/power-of-attorney/the-power-of-attorney-document**

If you want to talk to someone about making a continuing power of attorney, contact the Office of the Public Guardian Scotland. See **publicguardian-scotland.gov.uk/**

You can email **opg@scotcourts.gov.uk** or call **0132 467 8300**.

Monday to Friday, 9am to 5pm

Making and registering an enduring power of attorney in Northern Ireland

It doesn't cost anything to draw up an enduring power of attorney, unless you want a solicitor's help.

In Northern Ireland, you can use a power of attorney without registering it – providing you still have mental capacity. But you must register it with the Office of Care and Protection as soon as your mental capacity starts to decline. There is a registration fee. The cost will depend on your circumstances and individual requirements.

To give someone enduring power of attorney, you need to fill out a specific form, available from a lawyer or a stationer specialising in legal documents.

Make sure you use the latest form and fill it out correctly, or it won't be valid. If you have a lawyer, they can guide you through the process.

Once the form is filled in, you and witnesses must sign it. The attorney(s) also need to sign it, before you're unable to manage your affairs. Attorneys shouldn't act as witnesses for each other.

For more information, including copies of relevant forms, go to the Department of Justice. See **justice-ni.gov.uk/publications/epa-notes-and-forms**

Make sure you fill in the forms correctly

It's important to get the application right the first time, so take great care to follow the instructions. If you make a mistake, your application might be rejected, leading to delays and additional fees to reapply.

You don't need a solicitor. But if you have complex needs or are unsure of the process, you could consider paying for professional advice.

Tailoring the power of attorney to your needs will be more useful for you and your attorney(s). You can decide which powers to include or exclude, maintaining control over the decision-making process.

Support if you have a learning disability or helping someone who does

If you live in England or Wales and find the application process difficult, Mencap offers guidance to help you and your carer apply for a lasting power of attorney. For example, if you have a learning disability or autism. See the Supporters Guide on property and financial affairs lasting power of attorney at **mencaptrust.org.uk/guides-lasting-power-attorney**



Setting up an ordinary (general) power of attorney

If you want someone to look after your money for a temporary period, you can give them an ordinary power of attorney. It's free to set up and doesn't need to be registered with the Office of the Public Guardian. There is no form, but you need to use the following wording:

This General Power of Attorney is made this day of (date) by me (donor's full name) of (address).

I appoint (attorney's full name) of (address) (joint) / (jointly / jointly and severally) to be my attorney(s) in accordance with section 10 of the Powers of Attorney Act 1971.

"Signed by me as a deed and delivered."

It can be used as soon as you sign it and for a set time, for example, while you're staying at hospital or you've extended your stay abroad. Make sure it's clearly written so they understand exactly what they're allowed to do. Be aware, it's only valid if you have mental capacity.

You can find ways for someone to help you manage your money informally. See: **moneyhelper.org.uk/day-to-day-money**

How to stay in control of your power of attorney

Taking control of your power of attorney ensures you have a say in things and that the right person knows how to act on your behalf.

Give your attorneys extra instructions

You can choose to use your power of attorney document to give your attorney(s) extra instructions or record your preferences. You can do this by writing a letter of wishes. It isn't legally binding but it can help make sure your wishes are carried out. For example:

- My attorneys must consult a financial adviser before making investments over £10,000.
- I'd like my pets to live with me for as long as possible. If I go into a care home, I'd like to take them with me.

You can also talk to your attorneys and explain how you'd like them to act for you. Your attorneys will then be free to make decisions they think are right.

Limit your attorney's power

You can restrict the authority of the attorney(s) by putting conditions in the power of attorney.

For example, you can ask that your attorney(s) can't act until:

- you lose mental capacity, or
- the power of attorney is registered.

When thinking about which powers to give, you need to think about the short term and longer term.

Choose a back-up attorney

You can choose a back-up attorney to take over making decisions on your behalf, if one of the 'original' attorneys were to resign or die.

Choosing a replacement attorney protects against the power of attorney being cancelled, if the original ones can no longer act.

Replacement attorneys have the same level of authority as the attorneys they replace. They usually step in as soon as one of your original attorneys stops acting for you.

When does a power of attorney end?

A power of attorney will end if:

- you still have mental capacity and decide to end it
- your partner is your attorney and you get divorced or dissolve your civil partnership — unless you've specified they can continue to act on your behalf
- your attorney goes bankrupt or enters into a Debt Relief Order (DRO)
- the attorney decides they no longer want to be one and you don't have another nominated attorney
- you die
- the attorney dies or loses mental capacity and there isn't another attorney
- the court appoints someone else to make decisions.

Find out more about how to end a power of attorney:

In England and Wales, see **gov.uk/power-of-attorney**

In Scotland, see **publicguardian-scotland.gov.uk/power-of-attorney/registration/ending-a-power-of-attorney**

In Northern Ireland, see **justice-ni.gov.uk/articles/information-enduring-powers-attorney-epa**

What to do with a power of attorney

Once a power of attorney has been registered, here's what to do next.

Keep it in a safe place

This could be a secure spot at home, with someone you trust or with your solicitor. You can make a list of your assets in a file that your attorney or attorneys can use to make financial decisions.

Letting your attorneys know

Make sure they know where the power of attorney is stored and how to access it.

Thinking about accessibility

Can you and your attorneys easily get the LPA when needed? If it's with your solicitor, will they be able to access it outside office hours?

Checking for digital access

If you live in England or Wales, and registered a power of attorney after 1 January 2016, your attorneys can get an activation key and view the lasting power of attorney. See **gov.uk/manage-lasting-power-attorney/use-lasting-power-of-attorney**

Let your bank and providers know

Register a power of attorney with banks and other providers, like your energy company, ahead of time. Gaining access might take some time. Requirements can vary between banks.

If a provider asks you to send your original documents, ask if you can send a digital, scanned copy instead.

You could also check if they'll accept a certified copy - where a bank or solicitor will copy your original and stamp it to say it's a true copy.

If you live in England and Wales, the Office of the Public Guardian has an online tool that lets attorneys create an access code so organisations can view the lasting power of attorney.

If you need help finding out how to register a power of attorney with your bank or help picking a bank for power of attorney, see **moneysavingexpert.com/banking/best-banks-for-power-of-attorney/#existing**

If you live in Northern Ireland, you can use an enduring power of attorney without registering it while you have mental capacity. But it must be registered with the Office of Care and Protection if your mental capacity begins to decline.

Will I be able to change my wishes in my power of attorney?

As long as you still have mental capacity, you can:

- change or amend what's in your power of attorney
- add or remove the powers you've chosen to share, or
- change who the attorneys are.

(See *Making changes to your power of attorney*, page 15)

Making changes to your power of attorney

It's important that you don't make changes to the power of attorney document itself, as this might make it invalid.

Report name or address changes

If you or your attorney changes name or address, you must tell the:

- **Office of the Public Guardian** if you live in England or Wales
- **Office of the Public Guardian Scotland** if you live in Scotland
- **Office of Care and Protection** if you live in Northern Ireland.

In England and Wales, if you wish to register to use your lasting power of attorney online, double check that the attorneys addresses are accurate. This is because activation codes to view the power of attorney will be sent to the current address on the lasting power of attorney record.

You must provide proof of your new name or the attorney's new name like:

- a copy of the marriage certificate, or
- deed poll.

If it's an address change you don't need to send any supporting documents.

If one of your attorneys dies

You must notify the:

- **Office of the Public Guardian** if you live in England or Wales
- **Office of the Public Guardian Scotland** if you live in Scotland
- **Office of Care and Protection** if you live in Northern Ireland.

You'll also need to send a certified copy of the death certificate and power of attorney.

If the attorney died outside the UK, include a copy of the death certificate.

Your power of attorney will be cancelled if:

- the attorney who died was your only attorney, or
- an attorney dies and the attorneys had to make all decisions together (called acting 'jointly').

Your power of attorney will be updated:

- if an attorney dies and the attorneys were able to make any decisions on their own (called acting 'jointly and severally').

You must include a return address when you send back your power of attorney.

Adding or removing an attorney

As long as you still have mental capacity, you can remove an attorney at any time.

If you want to add another attorney, you'll need to end your power of attorney and make a new one.

Cancelling a power of attorney

As long as you still have mental capacity, you can cancel a power of attorney at any time.

For instructions on amending, removing an attorney or ending a power of attorney where you live, see **moneyhelper.org.uk/change-poa**



What to do if you're having problems with an attorney

Your attorney must:

- support you to make your own decisions
- make all decisions in your best interests
- consider your wishes and feelings.

If they don't do these things, you can report your concerns.

How to report concerns if you live in England or Wales

You can:

- fill in the concern raising form at **gov.uk/report-concern-about-attorney-deputy-guardian**
- write to, email or call the Office of the Public Guardian.

In your report, include:

- your details – like your full name, address, date of birth and your contact details
- the date you first noticed the concern
- any evidence to support the concern – for example, financial records
- what you know about the donor's mental capacity. This is the person who made the power of attorney. If you're reporting on their behalf, include copies of any mental capacity reports or the names of who might have these.

If you don't have all this information, you can still report a concern.

After you make your report, the Office of the Public Guardian will check if it has the legal authority to investigate.

Contact the Office of the Public Guardian **opg.safeguardingunit@publicguardian.gov.uk**

Telephone: **0300 456 0300**
Relay UK (if you cannot hear or speak on the phone): **18001 0300 123 1300**

Monday to Friday, 9am to 5pm
Wednesday, 10am to 5pm

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

How to report concerns if you live in Scotland

You can:

- fill in the referral form at **publicguardian-scotland.gov.uk**
- write to, email or call the Office of the Public Guardian Scotland.

You need to explain why you think your/ the donor's property and/or financial affairs is at risk.

Contact the Office of the Public Guardian Scotland **opg-inv@scotcourts.gov.uk**

Telephone: **01324 678300** and press option 1

Monday to Friday, 9am to 5pm

The Office of the Public Guardian, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR

How to report your concerns if you live in Northern Ireland

You can write to, email or call the Office of Care and Protection.

You need to explain why you think your the donor's property and/or financial affairs is at risk.

Contact the Office of Care and Protection **ocp@courtsni.gov.uk**

Telephone: **0300 200 7812**

Monday to Thursday, 9am to 1pm

Room 2.2A, Second Floor, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF, United Kingdom

Consider legal support

If you need help addressing concerns with your appointed attorney, consider paying for a solicitor.

You can find a qualified solicitor in your area by searching the directories provided by the UK's law societies:

- In England and Wales, see **solicitors.lawsociety.org.uk**
- In Scotland, see **lawscot.org.uk/for-the-public**
- In Northern Ireland, see **lawsoc-ni.org/solicitors**

How to spot signs of financial abuse

If you're concerned that an attorney is controlling your spending or a donor's spending, access to cash, assets and finances, this could be a sign of financial abuse.

Financial abuse is when someone:

- takes out money or gets credit in your name without your knowledge or permission
- makes you hand over control of your accounts
- cashes in your pension or other cheques without your permission
- adds their name to your account
- asks you to change your will
- takes your money to buy your shopping or pay your bills, but this doesn't happen
- stops you from seeing friends and family.

If you're worried that you or someone you know is a victim of financial abuse, see **moneyhelper.org.uk/signs-of-financial-abuse**

Useful contacts

MoneyHelper

MoneyHelper is independent and backed by government to help you make the most of your money. We give free, impartial money and pensions guidance to everyone across the UK – online and over the phone.

Visit us at **moneyhelper.org.uk**

Or contact us via:

Phone

Money and pensions guidance
UK: **0800 011 3797**
if you're outside the UK:
+44 20 7932 5780
Mon - Fri 9am to 5pm

Online

moneyhelper.org.uk/contact

Online communities

Join our Facebook groups for support: **moneyhelper.org.uk/online-communities**

The Office of the Public Guardian

customerservices@publicguardian.gov.uk
Telephone: **0300 456 0300**
Relay UK (if you cannot hear or speak on the phone): **18001 0300 123 1300**
gov.uk/government/organisations/office-of-the-public-guardian

The Office of the Public Guardian in Scotland

opg@scotcourts.gov.uk
Telephone: **0132 467 8300**
Monday to Friday 9am-5pm
publicguardian-scotland.gov.uk

Department of Justice Northern Ireland

justice-ni.gov.uk/publications/epa-notes-and-forms

Use this page to record your notes

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Cymraeg

Contact us

Money and pensions guidance **0800 011 3797**
Mon - Fri 9am to 5pm

Relay UK **18001 0800 011 3797**
Mon - Fri 9am to 5pm

Online **moneyhelper.org.uk/contact**

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Calls from the UK are free. To help us maintain and improve our service, we may record or monitor calls.

Accessible formats
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