

## Your Legal Questions

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Solicitor



**Q.** Last year my Aunt made a Lasting Power of Attorney appointing me as her Attorney. My Aunt is now suffering from dementia and can no longer manage. I have been told that before I can act as Attorney the LPA must be registered with the Office of the Public Guardian and I must give notice to my brother and neighbour. What does this mean and what is the procedure?

**A.** It is excellent that your Aunt had the foresight to make an LPA whilst she was able. All LPAs must be registered with the Office of the Public Guardian (OPG) before the Attorney can act. Your Aunt will have stated within her LPA whether she wished anyone to be told when the document was to be submitted for registration and if so, who. I suspect from your question that the LPA names your brother and neighbour in which case, the advice is correct.

I suggest that you seek professional help with the registration. A solicitor will be able to ensure that your brother and neighbour are correctly notified and that the application form is properly completed and submitted together with the original LPA and court fee of £120. Any errors may cause the OPG to otherwise reject or qualify the registration and may result in a wasted fee. The procedure will take some time as any party served with notice has 6 weeks in which to object if they oppose the registration. The OPG must allow this time to pass. If there are no objections then the LPA will be registered at the end of the objection period. In my experience it is likely to be quite some time later as the OPG has a considerable backlog. A solicitor will generally be pleased to advise you on your role and the principles that you must apply as an attorney.

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