

Lasting Power of Attorney explained

What is a Lasting Power of Attorney?

A Lasting Power of Attorney is a legal document that appoints one or more people (your Attorney/s) to make decisions for you (the Donor).

There are two types of Lasting Power of Attorney - property and financial affairs, and health and welfare. The comments below relate to the property and financial affairs Lasting Power of Attorney.

Your Lasting Power of Attorney needs to be registered with the Office of the Public Guardian*¹ before it can be used and will continue to be valid even if you lose mental capacity.

Lasting Powers of Attorney replaced Enduring Powers of Attorney as of 1 October 2007.

By registering a Lasting Power of Attorney with HSBC, you're letting us know you're happy for your Attorney/s to carry out transactions on your HSBC bank account/s in accordance with your power of attorney document.

Could a Lasting Power of Attorney be right for me?

Before deciding if a Lasting Power of Attorney is right for you, you might want to consider seeking legal advice.

You'll find examples of when a Lasting Power of Attorney may be suitable in our 'Choosing Third Party Access' table at www.hsbc.co.uk/thirdparty

What important information do I need to know?

Mental capacity

You must have mental capacity to create a Lasting Power of Attorney.

A Lasting Power of Attorney remains valid if you lose mental capacity.

Restrictions

Restrictions can be included if there are certain things you don't want your Attorney to have control over. This may take longer to process if we need extra information from you.

Restrictions may prevent your Attorney/s from having access to Telephone Banking/Internet Banking/Mobile Banking/a Debit card.

Multiple Attorneys

If you nominate multiple Attorneys, you must specify on your Lasting Power of Attorney whether you want them to act jointly or individually*².

If you nominate two or more Attorneys to act jointly they won't have access to Telephone Banking /Internet Banking/Mobile Banking/a Debit card.

Fees and registering

There are no fees to register a Lasting Power of Attorney with us, but the Office of the Public Guardian will require a fee for registering the power with them.

What access does a Lasting Power of Attorney give?

To see what powers an Attorney would have over your account, see our 'What an Attorney Can Do' table.

How do I grant a Lasting Power of Attorney?

If you feel a Lasting Power of Attorney may be right for you, you can find information about how to apply, how much it costs and how to register it with the Office of the Public Guardian on the www.gov.uk website. *¹.

Register a Lasting Power of Attorney with HSBC

Please refer to 'Registering a Power of Attorney with HSBC' page.

There are some important things to remember:

- ▶ We will need to see either the original power of attorney document or a copy which has been certified on each page. Please see our Important Documents page at www.hsbc.co.uk. It should also be clearly stamped and perforated by the Office of the Public Guardian
- ▶ We will need to see suitable documents for identification and address verification from each Attorney wanting to act. Please see examples listed below. If you have appointed multiple Attorneys, we will need suitable identification and address verification from each Attorney
- ▶ We may ask the Attorney to supply a sample signature.

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Acceptable identification and address verification documents

Example identification documents

- ▶ Current passport
- ▶ Current UK Driving Licence
- ▶ Current National Identity Card
- ▶ Travel Documents (issued in the UK by the Home Office)

Example address verification documents

- ▶ Council tax bill (valid for current year)
- ▶ Utility bill (dated within last four months)
- ▶ Telephone bill (dated within last four months) – mobile phone bills are not acceptable.

For a complete list of documents we can accept as proof of identity and confirmation of address, please see our 'Help us Identify you' page on www.hsbc.co.uk.

When will Attorney access stop?

As long as you have mental capacity, you can choose to cancel your Lasting Power of Attorney at any time—find out how on the www.gov.uk website.*¹

There are also certain events (such as if you were to die) which would result in it being automatically revoked. For more information on events which may affect your Lasting Power of Attorney see our 'Stopping Attorney Access' table.

You can also find more information on the www.gov.uk website*¹.

*¹ See our useful links page.

*² Refer to our Glossary page.

These links may allow you to access other websites. Please read the linked websites' terms and conditions. HSBC Bank plc has no control over non-HSBC websites and is not liable for your use of them.

What an Attorney can do

An Attorney can help make decisions about someone's finances, or make decisions on their behalf.

If the power appoints a sole Attorney or multiple Attorneys who can each act separately (eg jointly and severally), the table below provides guidance on the services we can offer.

If the power appoints more than one Attorney to act together (ie jointly), all Attorneys have to act together. This means that any services restricted to sole access cannot be provided. This includes debit cards, internet banking, mobile banking and telephone banking.

If the power of attorney document contains restrictions, we need to comply with the restrictions which may mean that we cannot provide some of these services.

	General Power of Attorney	Enduring Power of Attorney	Lasting Power of Attorney
Manage Donor's account/s if mental capacity is lost		✓*	✓
Hold a Debit Card*²	✓	✓	✓
Issue cheques/make payments (eg bills)/withdraw cash	✓	✓	✓
Pay in cash/cheques	✓	✓	✓
Order cheque book/credit book	✓	✓	✓
Order a replacement debit card/PIN*²	✓	✓	✓
Order a statement	✓	✓	✓
Set up/amend/cancel standing orders and direct debits	✓	✓	✓
Access Telephone Banking*²	✓	✓	✓
Access Internet Banking*³		✓	✓
Change the Donor's address	✓	✓	✓
Apply for ISAs		✓	✓
Open/Close accounts on behalf of the Donor		✓	✓
Obtain information regarding the Donor's account/s	✓	✓	✓
Retrieve items from safekeeping	✓	✓	✓
Sign a mortgage loan agreement	✓	✓	✓
Arrange an overdraft			

*If the Customer (Donor) loses/is losing mental capacity, an Enduring Power of Attorney must be sent to the Office of the Public Guardian for registration (or to the Office of Care and Protection (Northern Ireland) for Northern Ireland Enduring Powers of Attorney).

*² If the Power of Attorney appoints more than one Attorney, they must be able to act separately as well as together (ie jointly and severally).

*³ If the Power of Attorney appoints more than one Attorney, they must be able to act separately as well as together (ie jointly and severally). In addition, only one person can access a sole account through Internet Banking. Therefore, either one Attorney or the individual they are acting for can have internet access, not both.

Stopping Attorney access

	General Power of Attorney*²	Lasting Power of Attorney*²	Enduring Power of Attorney*² (only valid in England/Wales if written and signed before 1 October 2007)
Account holder (Donor) dies	The power is automatically revoked.	The power is automatically revoked.	The power is automatically revoked.
Account holder (Donor) loses mental capacity	The power is automatically revoked.	No change -- the power remains valid and the Attorney retains full authority.	If the power is unregistered, it is temporarily suspended until registration at the Office of the Public Guardian has been completed (or the Office of Care and Protection (Northern Ireland) for Northern Ireland Enduring Powers of Attorney).
Account holder (Donor) wants to cancel	The power is cancelled by Deed of Revocation* ³ .	The power is cancelled by Deed of Revocation* ³ . We need to see written confirmation from either the Office of the Public Guardian or the Court of Protection confirming the power of attorney has been revoked. See note 2.	For an unregistered Enduring Power of Attorney, the power is cancelled by Deed of Revocation* ³ . For a registered Enduring Power of Attorney, written confirmation of cancellation must be received from the Office of the Public Guardian or Court of Protection Office (or the Office of Care and Protection (Northern Ireland) for Northern Ireland Enduring Powers of Attorney).
Attorney dies	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. Also see note 1.	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. See note 1 for further scenarios, and also note 2.	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. See note 1 for further scenarios and also note 2.
Attorney loses mental capacity	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. Also see note 1.	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. See note 1 for further scenarios, and also note 2.	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. See note 1 for further scenarios and also note 2.
Attorney wants to cancel	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. Also see note 1.	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. See note 1 for further scenarios, and also note 2.	If there is only one Attorney and no replacement Attorneys, the power is automatically revoked. See note 1 for further scenarios and also note 2.

Please refer to the most recent copy of HSBC's General Terms and Conditions and Terms and Conditions for Current Accounts and Savings Accounts. You can obtain a copy at any HSBC branch or at the following link: www.hsbc.co.uk/1/2/legal If the information above differs from that in the terms and conditions, the terms and conditions override the above.

1. If there are multiple Attorneys appointed jointly and severally*³ and one of them cannot continue to act for some reason, the other Attorney(s) may continue to act on behalf of the individual who granted the power of attorney.

Subject to the text of the power of attorney, a replacement Attorney may be able to take over in the event of bankruptcy, loss of capacity or death of an existing Attorney.

2. Find out more information under "Cancelling or ending a Lasting or Enduring Power of Attorney" on the UK Government website at www.gov.uk*¹

*¹ See our useful links page.

*² See our Third Party Access pages for explanation of other types of access at www.hsbc.co.uk/thirdparty

*³ Refer to our Glossary.

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