

-  Print and post your online registration form at power-of-attorney-online.santander.co.uk/
-  In your nearest branch
-  Application helpline: **0800 414 8414**

Registering a Power of Attorney or a Court of Protection, Guardianship or Controllership Order with Santander

In some circumstances it may be necessary to allow a third party to access or manage accounts on behalf of an account holder.

This document explains when third party access may be necessary and how this can be gained by using a Power of Attorney (POA), Court of Protection, Guardianship or Controllership Orders.

When would third party access be required?

There are various reasons why third party access may be required, including, but not limited to, the following.

- The account holder is preparing for the future, when they may become mentally incapable.
- The account holder is injured, disabled or physically unwell.
- The account holder plans on leaving the country for a period of time and will find it difficult to administer accounts.
- The account holder has lost mental capacity.

Types of Power of Attorney (POA)

There are several types of POA that may apply in differing situations.

- **Ordinary Power of Attorney (OPA, also known as a General Power of Attorney)** – This is usually put in place by the account holder when they find it hard to manage their own financial affairs for a number of reasons, for example physical disability or travelling abroad. An Ordinary Power of Attorney can be cancelled at any time and becomes invalid if the account holder loses the mental capacity to make decisions.
- **Enduring Power of Attorney (EPA)** – An Enduring Power of Attorney can allow a third party to access and manage the account holder's finances.

An EPA can be used if:

- a) it has been signed by the account holder and their attorney(s);
- b) each signature was witnessed; and
- c) it was signed before 1 October 2007.

As of 1 October 2007, Enduring Power of Attorneys (EPAs) were replaced with Lasting Power of Attorney (LPA). While this means that new EPAs cannot be created, EPAs that meet the criteria above are still valid. However, EPAs won't be valid if they aren't registered with the Office of the Public Guardian (OPG) when the account holder loses the capacity to make their own decisions.

- **Lasting Power of Attorney (LPA), known as Continuing Power of Attorney in Scotland** – There are two types of LPA.

1. Property and Financial Affairs - can allow a third party to access and manage the account holder's finances.
2. Health and Personal welfare - does not allow a third party to access or manage the account holder's finances but will allow decisions about the account holder's medical treatment, their liberty or where they live.

LPAs must be registered with the OPG before they can be used. The OPG will have sealed each page on the original document. We can't accept a document that doesn't contain this mark. Once registered, LPAs can be used if the account holder still has mental capacity unless the LPA specifies otherwise. LPAs are commonly used to plan for future situations while the account holder still has mental capacity and continue after mental capacity is lost.

Court of Protection orders

A Court of Protection order (Guardianship in Scotland or Controllership in Northern Ireland) can appoint one or more people to make decisions for an account holder who lacks the mental capacity to do so for themselves. These decisions may relate to the person's property and affairs, healthcare and personal welfare.

Multiple Attorneys

Where more than one attorney or deputy is appointed to act on behalf of an account holder, the documentation may authorise them to act jointly and severally. If the documentation does not state which, they will be treated on the basis that they have been appointed jointly. Please note that where the attorneys/deputies are appointed to act jointly and severally, a maximum of two attorneys/deputies will need to be selected at the point of application but can be amended to include more attorneys at any time post registration.

The differences between a joint and joint and several appointment are:

- Joint - attorneys are required to act together and not separately. As a result, they will be unable to have any of the services that allow sole access to the account such as card and online access. Joint attorneys must transact together in branch. Also, if one joint attorney decides they can no longer act, divorces the account holder, becomes bankrupt, mentally incapable or dies and the documentation doesn't include replacement attorneys, the POA becomes invalid meaning all attorneys will need to be removed and a new POA or Court of Protection order will be required.

- Jointly and severally - attorneys may act together but can also act independently. The bankruptcy, death, incapacity, divorce or disclaiming of one attorney doesn't invalidate the authority of the other attorney.
- If a joint POA is registered, in the eventuality of one of the joint attorneys being removed for any reason (including but not limited to an attorney passing away, checks undertaken by the Bank in accordance with regulatory obligations, the attorney disclaiming their appointment, or divorce between attorney and donor), then any remaining attorneys will also be removed as the POA agreement becomes invalid.

Power of Attorney restrictions

The account holder or Court may have included restrictions or instructions on how the attorney or deputy should operate when managing the account holder's finances. We are unable to enforce these restrictions/instructions.

It's the responsibility of the attorney/deputy to operate the account in line with the authority they have been given by the account holder or Court.

If an attorney is an undischarged bankrupt or subject to a Debt Relief Order or winding up proceedings, either at application stage or any point in the future, they must inform us via the POA helpline or by writing to us via the address detailed in the POA postal registration form; they'll no longer be able to act as an attorney.

Account holder access

If the account holder has mental capacity, they will still be able to operate their account(s). The account holder's access to their account(s) (including cards and online access) will be cancelled when a court appointed deputy is registered or we're made aware that the account holder lacks the mental capacity to manage their own finances. This is to protect the account holder by making sure they can't access money without the attorney/deputy.

Help with types of Power of Attorney

Please visit the OPG www.gov.uk/become-deputy for help and guidance on the different types of POA available.

Attorneys acting in a Professional Capacity

A professional attorney or a professional deputy/controller/guardian is an individual employed in a professional capacity including, but not limited to, an accountant, solicitor or local council representative; or a trust corporation. This individual or trust corporation could be appointed to make financial decisions on behalf of someone who lacks or has lost the ability to make financial decisions for themselves; or has been appointed as a delegate responsible to manage the account holders' financial matters. We are only able to register professional attorneys who represent businesses within the United Kingdom.

Help with specific accounts

Please note that if you would like to discuss any of the products held in detail including interest rates, payment options including how to make additional payments, term etc, you can call our relevant product service lines or our Power of Attorney registration helpline, who can direct your call to the appropriate product teams.

Registering an Attorney on a Santander account

To register an Attorney on a Santander account, simply follow the steps below:

Step 1 – Obtain the relevant document that gives a third party authority to act on behalf of the account holder

This could be a Power of Attorney or Court of Protection, Guardianship (Scotland) or Controllership Order (NI). Information on how to do this can be found at justice.gov.uk/about/opg



Step 2 – Complete our Attorney registration form if you need help, contact our Power of Attorney helpline on 0800 414 8414

Our helpline can:

- provide help and guidance
- help you to locate the Online registration form
- book a branch appointment for you (if you want to visit a branch)
- help guide you to complete the Attorney registration form
- can check you have all the right Power of Attorney and Identification documentation ready to register a POA online, to post or to take into a branch to make the registration run smoothly



Step 3 – Complete our Attorney registration form

This can be completed online or via the postal form found at santander.co.uk/personal/support/supported-banking.

Alternatively, you can register at one of our branches.



Step 4 – Provide identification

For example, a passport or driving licence. Please note we need two forms of ID from our Customer Identification Document; one from list 1 and another from list 2. Details of this can be found online in the Customer Support section on santander.co.uk/personal/support/customer-support/customer-identification-documents. We recommend calling the helpline to book branch appointments and to make sure you have all the correct identification to make sure your application isn't delayed.



Step 5 – Submit your Attorney registration form

For a branch appointment, please bring the following with you:

- fully completed Attorney Application Form (this can be downloaded from our website, a copy can be obtained in branch or you can call our helpline for one to be sent out to you through the post).
- Power of Attorney/Court of Protection, Guardianship (Scotland), and Controllership (NI) order documents.
- two forms of identification required for all attorneys.
- confirmation of professional registration; please see guidance provided on the content/appropriate documentation required.

Please remember we can book a branch appointment for you if you ring our Power of Attorney helpline on **0800 414 8414**.

Alternatively, you can post the documentation to:

Power of Attorney Registration Team

PO Box 1109

Bradford

BD1 5ZJ

When we receive these documents we'll process the application within seven working days. We'll then send you written confirmation of your registration.

If your application needs additional information, we may contact you for further information.

What account access is provided?

Not all accounts permit an attorney to have card and online access to the account (e.g. if the account requires both owners to transact jointly, or if the account is a savings account). For further guidance on this please call the Power of Attorney helpline.

Once an attorney has been registered, depending on the type of the attorney, you may be able to service the accounts in the following ways.

- In branch (always remember to take ID such as a driving licence or a passport).
- Internet access can be provided for OPAs, LPAs and EPAs when requested where the accounts held by the account holder allow this.
- Attorneys who act jointly cannot be given card or online access to transact and must come into a branch together to authorise a transaction.

Please call the Power of Attorney helpline on **0800 414 8414** to discuss your personal needs.

Santander is able to provide literature in alternative formats. The formats available are: large print, Braille and audio CD. If you would like to register to receive correspondence in an alternative format please visit **santander.co.uk/alternativeformats** for more information, ask us in branch or give us a call.