

Powers of Attorney Act receives Royal Assent

Reforms to simplify and streamline lasting powers of attorney have been given Royal Assent.

These legal agreements enable a person to grant decision making powers about their care, treatment, or financial affairs to another person if they lose mental capacity.

The Powers of Attorney Act fires the starting gun on bringing the existing paper-based process online for the first time. The changes, when introduced, will make the system quicker, easier to access and more secure for the thousands of people who make and rely on a lasting power of attorney every year.

The legislation, which was introduced by Stephen Metcalfe MP and supported by the government, will also strengthen existing fraud protection by allowing checks on the identity of those applying for a lasting power of attorney.

The new online system and the additional safeguards are now being developed by the Office of the Public Guardian. Extensive testing will need to be conducted to ensure the process is simple to use, works as intended and is secure. More information on when it will be available will be published in the coming months.

The number of registered lasting power of attorneys has increased drastically in recent years to more than 6 million but the process of making one retains many paper-based features that are over 30 years old. Every year, the Office of the Public Guardian manages more than 19 million pieces of paper as a result of their offline system.

The digitalisation will speed up registration time by picking up errors earlier and allowing them to be fixed online rather than having to wait for documents to be posted back and forth between the applicant and the Office of the Public Guardian as currently happens.

An improved paper process will also be introduced for those unable to use the internet.

These reforms build on the success of the 'Use an LPA' service which was launched in 2020, which allowed organisations like banks to digitally, and securely check the registration of a lasting power of attorney instantaneously. This sped up a process that previously took weeks to conclude while paper copies were shared.

For more information visit:
www.gov.uk/power-of-attorney