

Power of Attorney and Deputies

Bath Building Society
We're different because you are

We are here to offer you and your family or friends help and support, practical guidance and understanding, to make the process of registering a Power of Attorney, or setting up a Deputy, a little simpler.

What is a Power of Attorney?

A Power of Attorney is a legal document that lets you the customer; and hereon after referred to as the Donor, to appoint one or more people (known as "Attorneys") to help you make decisions or to make decisions on your behalf. Setting up a Power of Attorney can give you more control over what happens to you in the event of you having an accident, an illness or no longer being able to make your own decisions because you lack mental capacity.

Anyone can be appointed as an Attorney as long as they are over 18 and capable of making decisions, the only exception being someone who is bankrupt.

Responsibilities of an Attorney

- To act in the best interests of the Donor
- To only undertake tasks that the Donor has authorised you to do
- Keep separate up-to-date accounts of the Donor's financial affairs
- When signing documents use your usual signature but print beneath "Attorney for" and add the Donor's name.

Lasting Power of Attorney (LPA)

- These replaced the previous version known as an Enduring Power of Attorney, which was phased out in September 2007
- There are two types – Property and Finance, and Health and Welfare. The Donor does not need to make both types, but if they do they can appoint different Attorneys on each
- A Lasting Power of Attorney has no effect until it has been registered with the Office of the Public Guardian, a process which can take up to ten weeks
- Once registered the Donor can still manage their affairs along with the Attorney(s) until they are no longer able to do so
- An LPA can be set up online or with the help of a Solicitor
- For more information on creating a Lasting Power of Attorney please contact the Office of the Public Guardian on 0300 456 0300 or speak to a Solicitor. More information is also available on the Government's website at www.gov.uk/power-of-attorney

Enduring Power of Attorney (EPA) and Ordinary Power of Attorney (OPA)

It is possible that you may come across two other types of Power of Attorney, one of them being: An Enduring Power of Attorney (EPA), which was used until the end of September 2007. Under this arrangement the Attorney had some powers before the EPA was registered with the Office of the Public Guardian. If the Donor were to lose mental capacity then the Enduring Power of Attorney would have to be registered. Once registered the Donor was no longer permitted to deal with their own affairs.

An Ordinary Power of Attorney can be made at any time and typically is used if the Donor has a physical illness or is travelling abroad for a period of time. It can be general, with no restrictions, or it can be limited to specific affairs. It may also be limited to a particular timeframe but it can be cancelled by the Donor at any time. Unlike a Lasting Power of Attorney an Ordinary Power of Attorney will be automatically cancelled if the Donor loses mental capacity.

Registering a Power of Attorney with us

You can visit either of our Branches to register a Power of Attorney (please see page 11 of this brochure for address details). You can also post the documents through to our customer service team, 15 Queen Square, Bath BA1 2HN. We would suggest important documents are sent by registered post. Please note we require all Attorneys named in the Power of Attorney document to be registered with the Society.

To add an Attorney to an existing account we require:

- A completed Power of Attorney registration form. This should be signed by the Attorney(s) and if possible the Donor
- Two pieces of identification for the Attorney(s). Please see our list of acceptable documents on page 9 of this brochure
- A certified copy of the Power of Attorney document. For a LPA the document must have been stamped by the Office of the Public Guardian.

To open a new account we require:

- A completed Application Form
- Applicant 1 should be the Donor, please insert this next to the 'Applicant 1' heading. The Attorney(s) details should then be completed under Applicant 2 and Applicant 3 if more than one Attorney. A continuation form can be provided, if there are more than two Attorneys
- A completed Power of Attorney Declaration of Capacity Status form, signed by the Attorney(s)
- We require two pieces of identification for all Attorneys and the customer. Please see our list of acceptable documents on page 9 of this brochure
- A certified copy of the Power of Attorney document
- All of our Personal Savings accounts are able to be opened as a Power of Attorney account. To discuss the best option for you, please contact our customer service team on 01225 423271 or visit our website at www.bathbuildingsociety.co.uk

How does an Attorney access a savings account?

- At one of our Branches
- Once added as a signatory to an account, an Attorney is able to register for our Bath Online service and Mobile App
- If you have been appointed jointly all written instructions will need to be signed by all Attorneys.

What happens to a joint account?

If you have a joint account with someone who is losing mental capacity you should talk to your Bank or Building Society as soon as possible. If an Enduring or Lasting Power of Attorney is already set up we will allow the account holder with mental capacity and the Attorney to operate the account independently of each other, unless the account holder objects. In this case the account will continue on a 'both-to sign' basis only.

What happens if someone passes away?

- The Power of Attorney ceases on the death of the Donor. The Attorney will therefore no longer have access to any accounts
- If the Attorney passes away, the Power of Attorney is cancelled, unless the Attorney has been appointed jointly or individually and there is another surviving Attorney.

For further information on registering a Power of Attorney with us please visit one of our Branches, or contact our customer service team on 01225 423271.

What is a Deputy?

A Deputy is a person appointed by the Court of Protection to manage the affairs of another person, who lacks the mental capacity. A Deputy can only act under a Court Order from the Court of Protection. This Order sets out the Deputy's powers. A Deputy will not be required if the person lacking mental capacity has previously made a valid Last Power of Attorney or has a registered Enduring Power of Attorney.

There are two types of Deputy:

- Property and financial affairs e.g. paying bills
- Health and welfare for example making decisions about how someone is looked after.

Process of becoming a Deputy

The Court of Protection (in England and Wales) protects the rights of people who do not have mental capacity. They are able to issue a Court Order to appoint a 'Deputy appointment'. This will usually be a close friend or family member, but in circumstances where this is not possible a specialist Deputy or Solicitor from an approved law firm can become a Deputy and can take decisions in the best interest of their client. In some cases, they may appoint more than one Deputy. You can apply to the court to be just one type of Deputy or both.

To apply to become a Deputy you should visit the government's website for more information at www.gov.uk/become-deputy

Responsibilities of a Deputy

When making a decision a Deputy must:

- Make sure it is in the other person's best interests
- Consider what financial decisions the account holder has made in the past
- Do everything they can to help the other person understand the decision.

A Deputy must not:

- Take advantage of the person's situation, for example, profit from a decision they have taken on their behalf
- Make a will for the person, or change their existing will
- Make gifts unless the Court Order says you can.

Property and Financial Affairs Deputies

Must make certain:

- Your own property and money is separate from the other person's
- You keep records of the finances you manage.

Operating a Savings Account as a Deputy

To access an account as a Deputy we will require:

- A certified copy of the Court Order
- Proof of your name and address, and that of the account holder if they do not already have an existing account with us. Please see our acceptable list of identification below.

Bath Building Society – Acceptable List of Identification

If you need to produce identification we will require you to produce either the original or a certified copy of the Court Order document. Documents can be certified by a UK Solicitor or Chartered or Certified Accountant, Doctor, Post Office Official and Embassy Official. The copy must be certified 'originals seen', dated and signed, giving the contact details of the person certifying the copies. If the document contains a photograph, it must be certified as providing a good likeness of you. The Society will undertake checks to verify the person certifying the document for you.

We do not encourage you to send original documents in the post. Please note it is not our Society policy to return original documents via special delivery services.

Verification of Identity

- Photocard driving licence – photograph valid for ten years from date of issue
- Full UK/EU passport
- Shotgun Licence/Firearms certificate
- Latest Tax Notice of Coding – no more than 1 year old
- Pension letter
- Old style driving licence
- Armed Forces Card
- Home Office Issued UK Biometric Residence permit.

Verification of Address
(all items must show current living address)

- Latest Bank Statement
- Mortgage Statement
- Latest Council Tax bill
- Driving Licence – if not used as verification of identity
- Latest Tax Notice of Coding – no more than one year old – if not used as verification of identity
- Solicitor's letter confirming house move – no more than two months old
- Utility bill – no more than three months old
- Rental or tenancy agreement issued by local authority
- Letter from care home.

For further information on registering a Deputy with us please visit one of our Branches, or contact our customer service team on 01225 423271.

Useful Contacts

England & Wales
The Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH

Tel – 0300 456 0300
www.gov.uk/government/organisations/office-of-the-public-guardian

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

Tel – 01324 678300
www.publicguardian-scotland.gov.uk

Northern Ireland
The Office of Care and Protection
Chichester Street
Belfast
BT1 3JF

Tel – 030 0200 7812
www.justice-ni.gov.uk/topics/courts-and-tribunals/office-care-and-protection-patients-section

Branches

Bath – Tel: 01225 330837
3 Wood Street, Bath BA1 2JQ

Oldfield Park – Tel: 01225 445271
12/13 Moorland Road, Oldfield Park, Bath BA2 3PL

We're different because you are

Head Office
15 Queen Square,
Bath BA1 2HN

Web
www.bathbuildingsociety.co.uk

Savings enquiries

Telephone
01225 423271

Email
savings@bibs.co.uk

Telephone calls may be recorded to help the Society to maintain high standards of service delivery.

Bath Investment & Building Society is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority, Registration Number 206026.

Bath Building Society

05/2026