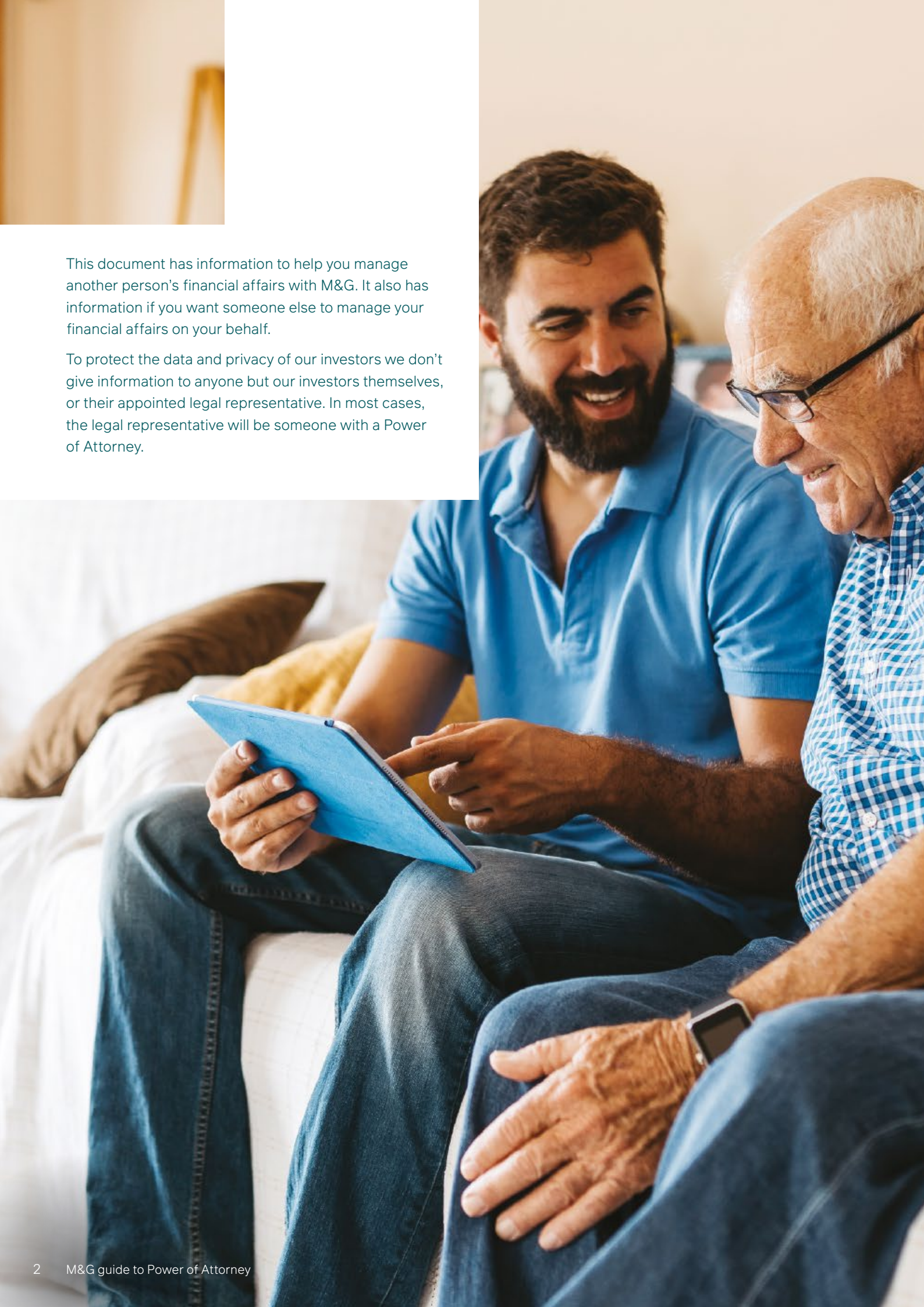


The M&G guide to
Power of Attorney





This document has information to help you manage another person's financial affairs with M&G. It also has information if you want someone else to manage your financial affairs on your behalf.

To protect the data and privacy of our investors we don't give information to anyone but our investors themselves, or their appointed legal representative. In most cases, the legal representative will be someone with a Power of Attorney.

What is a Power of Attorney?

A Power of Attorney is a legal document that allows a person or persons (attorney/attorneys) the power to act on the behalf of another person (the donor) in relation to their personal welfare and/or property and financial affairs.

Types of Power of Attorney

There are three main types of Power of Attorney documents in England and Wales. We recommend that you seek advice on which type of Power of Attorney is most suitable for you.

- **Lasting Power of Attorney** – There are two different Lasting Powers of Attorney, one which relates to health and welfare and one for property and financial affairs. They need to be registered at the Office of the Public Guardian. This will be effective immediately or when the donor loses capacity. It will last until the donor dies or revokes authority. Lasting Power of Attorney replaced Enduring Power of Attorney in October 2007
- **General or Ordinary Power of Attorney** – They are often used to give rights for a specific event, for example if you need someone to be able to make decisions for you temporarily when you go on holiday. These do not need to be registered at the Office of the Public Guardian, however if the donor loses mental capacity they will no longer be valid
- **Enduring Power of Attorney (EPA)** – Enduring Powers of Attorney are only valid if they were signed and written before 1 October 2007. If the donor still has mental capacity an existing EPA can be used without being registered with the Office of the Public Guardian. If the donor lacks capacity, for example, as the result of dementia or a stroke, the EPA can no longer be used until it has been registered. Although no new EPAs can be created, those already completed remain valid and can still be registered.

What is mental capacity/incapacity?

Mental capacity is the ability to make a decision.

In relation to Powers of Attorney, whenever the term ‘a person who lacks capacity’ is used, it means a person who lacks capacity to make a particular decision or take a particular action for themselves at the time the decision or action needs to be taken. If a person cannot communicate their decision, the Mental Capacity Act 2005 says they should be treated as unable to make that decision.

It is generally the person acting on behalf of the person lacking capacity to provide the final judgement on whether they have or lack the capacity to make a particular decision.

Power of Attorney in Scotland

In Scotland, Ordinary Powers of Attorney are known as General Powers of Attorney and do not need to be registered before use. Where the granter (donor) lacks capacity, a Continuing Power of Attorney is required to control their financial affairs. This must be registered with the Scottish Office of the Public Guardian. For decisions about a granter’s health and welfare, a Welfare Power of Attorney is required. This also needs to be registered and can only be used if the granter lacks capacity.

Power of Attorney set up outside the UK

If you have a Power of Attorney that has been created in a country outside the UK, you need to legalise it in the country where it was created before you can use it in the UK.

The process for legalising the Power of Attorney will differ. It depends on the country where it was created.

Joint Attorneys

If there's more than one Attorney, you will need to check whether decisions can be made jointly or jointly and severally:

- Jointly means that all the Attorneys must work together to agree on a decision and sign all documents together.
- Jointly and Severally means that any one of the Attorneys can make decisions and sign documents on their own or with other Attorneys.

If you don't have a Power of Attorney, but need to manage someone else's finances, you'll need to either get a court order or set up a Power of Attorney.

If the customer can still make their own decisions, you can set up a Power of Attorney.

If they can't, then the court will need to decide who will look after their affairs.

Court Orders

- In England and Wales, it's a Deputy's Order (for someone to handle your affairs on an ongoing basis) or an Interim Order (for urgent one-off actions or decisions) from the Court of Protection.
- In Scotland, this could be either a Guardianship Order (for someone to handle your affairs on an ongoing basis) or an Intervention Order (for one-off actions or decisions).
- In Northern Ireland, this is known as a Controller Order.

You should talk to a solicitor for advice.



Registering a Power of Attorney on an existing M&G account

Before the Attorney is added to an existing account, we will need the following information:

- The Power of Attorney document (either the original or a certified copy)
- Alternatively for Lasting Power of Attorney registered on or after 1 September 2019 you can provide us with an access code (by phone or in writing) which will enable us to view the document online. Further details on how you can utilise this service can be found on the government website: www.gov.uk/use-lasting-power-of-attorney
- A covering letter containing any M&G client references and as much useful information that you have. This includes your details (such as name and address), details of the customer (such as name, current address and old address, if the person has recently moved), and the address where all communications are to be sent going forward under the Power of Attorney
- Proof of your identity – We ask you to provide two pieces of identity documentation:
 - One government-issued document to evidence your personal identity – such as a driving licence or passport; and
 - One to evidence your address – such as a utility bill or bank statement.

Please be aware that we may require additional verification for the donor.

Certified copies

We accept copies of your documents that have been certified by a Solicitor or a Notary Public*. A Stockbroker can also certify The Power of Attorney document, with the exception of a lasting power. The donor can also certify providing they do not lack mental capacity.

We are unable to accept documents which have been certified by a family member or a named attorney. The person certifying the documents may charge a fee; please check with them first.

The following information must be provided on all pages of all documents if it is a certified copy:

- The words “I, name of certifier, certify that this is an authentic copy of full name of investor’s full description of document as witnessed by me on date of certification.”
- Full name, date and signature by the person who is certifying them
- Profession
- Business name, address and telephone number
- FCA number (financial advisers only).

Documents must be certified on every page and be dated within the past six months.

If any of these details are missing, we may be unable to accept the document.

Can I open a new account with M&G with a Power of Attorney?

You can open a new account with M&G under a Power of Attorney. ISA investments are subject to additional HMRC requirements.

*A Notary Public is typically a solicitor that has taken another qualification to become a notary public. There are a few notaries that are not also solicitors, but this is less common. The primary function of a notary public is the certification or authentication of documents and signatures.

What happens next?

Upon receipt of a Power of Attorney we will:

- Update our client records to acknowledge the investor has a Power of Attorney registered on their account. For sole holdings, this includes removing any financial adviser details. This takes five working days to set up
- Return any original Power of Attorney document to the address provided. We will send this by recorded delivery and by close of business the following working day.

The Power of Attorney can instruct M&G in the same way as any donor would normally do, including investing more money, transferring investments, and switching or withdrawing funds.

You will receive the following regular updates:

- ISA, Junior ISA, OEIC and Savings Plan statements are prepared semi-annually as at 5 April and 5 October. Statements will include any transactions that have taken place on the account over the previous six-month period
- For OEIC and Savings Plan investments, we will send you Consolidated Tax Vouchers on an annual basis with your 5 April statement. For more information on this, or to find out the value of the investment at any given time, call our [Customer Relations](#) team on 0800 390 390.

Prices of all M&G's funds are available on our website at www.mandg.co.uk/prices

How to set up a Power of Attorney: step-by-step guide

The information below is provided as a guide based on our understanding and is not advice.

1. Consider whether you want or need to consult a solicitor for advice. Your local Citizens Advice can also help.
2. Decide what type of Power of Attorney you want.
3. Choose who you want to be your attorney.
4. Consider having a solicitor draft your Power of Attorney for you, instead of drafting it yourself, to make sure it's done properly. Most solicitors should be able to help draft one, as well as provide legal advice.
5. Fill out the right forms (if you are drafting it yourself). For a Lasting Power of Attorney (England and Wales), you'll need to use a form which you can get from the Office of the Public Guardian or make a lasting Power of Attorney online. For a Continuing Power of Attorney (Scotland), there isn't a standard form, but you can buy Power of Attorney packs from some stationery shops. Alternatively, most solicitors should be able to assist in drafting one and providing legal advice. For an Enduring Power of Attorney (Northern Ireland), you should use an official form, which you can get from the Office of Care and Protection website.
6. Depending on the type of Power, you might need a doctor (GP) or solicitor to provide confirmation of your ability to make decisions. For example, they may need to sign a statement or certificate of capacity. You don't need this for a general or ordinary Power of Attorney.
7. Sign it and get a witness to sign it too.
8. Decide whether you need to register it, and when to register it. Some types of Power of Attorney only give the attorney the power when they are registered.
9. You can register it with the right government body if you're still mentally capable. If you can't make your decisions, your attorney can register it. These are the bodies you register it with:
 - If you live in England or Wales, register it with the Office of the Public Guardian.
 - If you live in Scotland, register it with the Office of the Public Guardian (Scotland).
 - If you live in Northern Ireland, register it with the Office of Care and Protection.



Removing a Power of Attorney

If a donor would like to end a Power of Attorney that has been drawn up under English or Welsh law and registered with the Office of the Public Guardian, and they still have mental capacity to make decisions, then they will need to complete a Deed of Revocation.

If the Attorney(s) no longer wants to act, then a Deed of Disclaimer is required.

You can also obtain further information regarding Powers of Attorney by contacting the Office of the Public Guardian.

A Power of Attorney may end if the attorney:

- Loses the ability to make decisions – ‘loses mental capacity’
- Divorces or ends the civil partnership with the donor if they were married or a partner
- Becomes bankrupt or they’re subject to a Debt Relief Order (DRO) – if they’re a property and financial affairs attorney
- Is removed by the Court of Protection
- Dies, and there are no replacement attorneys. The Office of the Public Guardian must be informed. They will require a copy of the death certificate, together with the original and all certified copies of the Power of Attorney.





Useful contacts

Office of the Public Guardian (England or Wales)

Email: customerservices@publicguardian.gsi.gov.uk

Website: www.gov.uk/government/organisations/office-of-the-public-guardian

Telephone: 0300 456 0300

Office of the Public Guardian, PO Box 16185,
Birmingham, B2 2WH

Office of the Public Guardian (Scotland)

Email: OPG@scotcourts.gov.uk

Website: www.publicguardian-scotland.gov.uk

Telephone: 01324 678398

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

Office of Care and Protection (Northern Ireland)

Website: www.justice-ni.gov.uk

Telephone: 0300 200 7812

The Office of Care and Protection Room 2.02,
First Floor Royal Courts of Justice,
Chichester Street, Belfast, BT1 3JF

Your local Citizens Advice

If you live in England and Wales

Website: www.citizensadvice.org.uk

Telephone: In England call 03444 111 444

In Wales call 03444 77 20 20

TextRelay users should call 03444 111 445

If you live in Scotland:

Website: www.cas.org.uk

Telephone: 03454 04 05 06

If you live in Northern Ireland:

Website: www.citizensadvice.org.uk/nireland

Telephone: 0800 028 1881

Money Matters

E-mail: advice@money mattersweb.co.uk

Website: www.money mattersweb.co.uk

Telephone: 0141 445 5221

Age UK

Email: contact@ageuk.org.uk

Website: www.ageuk.org.uk

Telephone: 0800 055 6112

If you live in Wales:

Email: advice@agecymru.org.uk

Website: www.ageuk.org.uk/cymru

If you live in Scotland:

Email: helpline@agescotland.org.uk

Website: www.ageuk.org.uk/scotland

If you live in Northern Ireland:

Email: advice@ageni.org

Website: www.ageuk.org.uk/northern-ireland

Alzheimer's Society

Website: www.alzheimers.org.uk

Telephone: 0300 222 11 22

RNIB

Telephone: 0303 123 9999

If you live in England:

Email: helpline@rnib.org.uk

Website: www.rnib.org.uk/england

If you live in Wales:

Email: cymru@rnib.org.uk

Website: www.rnib.org.uk/wales-cymru-1

If you live in Scotland:

Email: rnibscotland@rnib.org.uk

Website: www.rnib.org.uk/scotland

If you live in Northern Ireland:

Email: rnibni@rnib.org.uk

Website: www.rnib.org.uk/northern-ireland

British Deaf Association

Email: bda@bda.org.uk

Website: www.bda.org.uk

Telephone: 020 7697 4141



Contact

If you have a financial adviser, please contact them for further information on M&G's funds and products, and also for information on how to invest with M&G.

If you invest directly with M&G and do not have a financial adviser, you can contact us using the details below.

 **Customer Relations**
0800 390 390*


If you have a query regarding Powers of Attorney or your M&G investment, Customer Relations can be contacted from 08:00 to 18:00, Monday to Friday, and from 09:00 to 13:00 on Saturday.

 **Investment Helpline**
0800 389 8600*

If you would like to make an investment, request further information on a new or additional investment, or want to read more about our products and services, call us from 08:00 to 18:00, Monday to Friday, and from 09:00 to 13:00 on Saturday.

 **info@mandg.co.uk****
For information.

 **www.mandg.co.uk/info**
Visit our website for the latest performance information, fund prices and literature.

 **M&G Customer Relations**
PO Box 9039
Chelmsford
CM99 2XG

*For security purposes and to improve the quality of our service, we may record and monitor telephone calls.

**Please note that information contained within an email cannot be guaranteed as secure. We advise that you do not include any sensitive information when corresponding with M&G in this way.

We are unable to give you financial advice. If you are unsure about the suitability of your investment, please speak to your financial adviser.