

## FACTSHEET

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# General power of attorney

### What is a general power of attorney?

A general power of attorney (also known as an ordinary power of attorney) is a legal document that appoints one or more people (your attorney/s) to make financial decisions for you (the donor).

You can choose to appoint an attorney generally to act on your behalf in which case the attorney would have the authority to manage all and any of your affairs. Alternatively, you can choose to grant your attorney authority to undertake only specific tasks on your behalf, for example to manage a specific bank account.

By registering a general power of attorney with us, you're letting us know that you're happy for your attorney/s to carry out transactions on your M&S Bank account/s in accordance with the power of attorney document.

### Could a general power of attorney (GPA) be right for me?

You may need to create a GPA for specific events; for example, if you go abroad for a period of time and wish to entrust the management of your business interests to a family member whilst you're away; or if you're selling your home and the exchange of contracts is due to take place around the time when you will be away on holiday - if there are problems while you are away, such as a last-minute amendment to what is included within the fixtures and fittings of the property, these amendments can be signed off by your attorney; or even in the event of an accident which makes it difficult for you to get to your local branch to do your banking.

Before deciding if a GPA is right for you, you might want to consider seeking legal advice or finding out more about the other options available to you.

### What important information do I need to know?

#### Mental capacity

A GPA is only valid while you (the donor) are still able to make your own decisions (have mental capacity). If you are looking to the future and want to allow someone to act on your behalf in the event of you losing mental capacity, you should consider one of the other options available.

#### Restrictions

Restrictions can be included if there are certain things you don't want your attorney to have control over. This is known as a specific power of attorney and may take us longer to process if we need to get extra information from you.

#### Multiple attorneys

If you nominate multiple attorneys, you must specify on your POA whether they are to act jointly or individually. If you nominate two or more attorneys to act jointly they won't be able to have access to Telephone Banking/Internet Banking/ a debit card.

### Fees and registering

There are no fees to register an GPA with us.

### What access does a GPA give?

To see what powers an attorney would have over your account, see our 'What an attorney can do' table below.

### How do I grant an GPA?

If you feel a GPA may be right for you, you'll find examples of standard wording online (visit [marksandspencer.com/bank](https://marksandspencer.com/bank) and navigate to the power of attorney section for our version) or you can contact your local Citizens Advice for a copy.

You may also wish to seek independent legal advice to make sure the wording meets your needs and is legally acceptable.

### Registering a GPA with M&S Bank

Once you've made the decision to put a POA in place and have created your POA, registering it with us is very simple – just follow the steps below.

#### Step 1 – Get your documents together

- You'll need to send us either the original POA document or a certified copy of the document. Depending on the situation, you may be able to certify the document yourself. Please see 'Important information regarding your POA document' below for further details.
- We will also need to verify the identity and address details of all your attorneys. We may be able to do this electronically. Each attorney wishing to be registered with us should complete a POA information form (available online at [marksandspencer.com/bank](https://marksandspencer.com/bank) and navigate to the power of attorney section) for you to return with the POA document. If we're not able to verify any details electronically, we will contact you with a list of acceptable forms of ID and address verification.
- All attorneys will also need to provide a sample signature.

#### Step 2 – Send us your documents/Visit us in branch

- To make an appointment in branch, call our Customer Services team on 0345 900 0900.
- To send your documents to us by post:
  - M&S Bank
  - Kings Meadow
  - CH99 9ST

#### Step 3 – Next steps

- Our specialist team will check the documents sent in/given to us in branch and may ask for additional information if there are any restrictions/conditions in the POA document.
- Once we've updated our records and set up the POA on the account/accounts, we'll send out a confirmation letter to your 'main' attorney.

## When will the GPA end?

As long as you have mental capacity, you can choose to cancel your GPA at any time by using a Deed of Revocation. For more information, visit [www.gov.uk/power-of-attorney/end](http://www.gov.uk/power-of-attorney/end).

There are certain events (such as if you were to die or your attorney became bankrupt) which would also result in it being automatically revoked.

It is also important to remember that a GPA is only valid whilst you have mental capacity and will be cancelled should this change.

## What an attorney can do

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

The following table provides guidance on the services that we can provide under the different types of POA and indicates what the attorney/attorneys may do.

If the donor 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 and Telephone Banking.

If the POA document contains restrictions, we will need to comply with the restrictions which may mean that we cannot provide some of the services listed.

	General power of attorney	Enduring power of attorney	Lasting power of attorney	Continuing power of attorney	Court of Protection	Guardianship Order
Manage donor's account/s if mental capacity is lost		✓*	✓	✓	✓	✓
Hold a debit card**	✓	✓	✓	✓	✓	✓
Issue cheques/make payments (eg bills)/withdraw cash	✓	✓	✓	✓	✓	✓
Pay in cash/cheques	✓	✓	✓	✓	✓	✓
Order cheque book/paying-in book	✓	✓	✓	✓	✓	✓
Order a replacement debit card/PIN**	✓	✓	✓	✓	✓	✓
Order a statement	✓	✓	✓	✓	✓	✓
Set up/amend/cancel standing orders and Direct Debits	✓	✓	✓	✓	✓	✓
Access Telephone Banking**	✓	✓	✓	✓	✓	✓
Access Internet Banking***		✓	✓	✓	✓	✓
Change the donor's address	✓	✓	✓	✓	✓	✓
Apply for ISAs		✓	✓	✓	✓	✓
Open/Close accounts on behalf of the donor		✓	✓	✓	✓	✓
Obtain information regarding the donor's account/s	✓	✓	✓	✓	✓	✓
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 (England and Wales) or Office of Care and Protection (Northern Ireland) for registration.

\*\*If the POA appoints more than one attorney, they must be able to act separately as well as together (ie jointly and severally).

\*\*\* If the POA 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.

## Important information regarding your power of attorney document

We will need to see a full copy of either the original POA document or a copy which has been certified on each page.

You (the donor) can certify the copy of the POA yourself or get it certified by a solicitor, a notary public, a member of the Council for Licensed Conveyancers or a member of the Chartered Institute of Legal Executives (CILEX). In addition to this, a stockbroker can certify the copy.

Calls may be recorded for security, training and monitoring purposes.

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