

Power of Attorney Guide

Sometimes, you might need someone else to help you use or manage your accounts. Or, maybe you need to give extra support to a family member.

This document explains when you can use a Power of Attorney to do this. It also explains the different type of Power of Attorney depending upon where your account is held (also known as situs) and what can happen in the event that there is no Power of Attorney in place and the account holder has lost capacity.

Santander International will only accept a Power of Attorney that has been registered in the jurisdiction where the bank account(s) is held.

For Isle of Man situs accounts this will be the Isle of Man Courts and for Jersey situs accounts this will be the Jersey Courts.

Additionally for Isle of Man situs accounts, we do not accept foreign Enduring Power of Attorney, however we can accept an Isle of Man registered Enduring Power of Attorney which will need to be provided by a Manx (Isle of Man) lawyer or solicitor. At our discretion we may accept Lasting Power of Attorney registered with the Office of the Public Guardian (or equivalent) in the UK.

When you might need extra help

There are various reasons why someone might need extra help with their accounts. Here are some examples:

- The account holder is preparing for a time when they might not be able to make their own decisions. For example, they might be worried about dementia when they get older. We call this 'loss of mental capacity'
- The account holder has already lost their mental capacity
- The account holder is injured, disabled or unwell. Maybe they spend a lot of time in hospital or can't easily get out and about
- The account holder plans on leaving the country for a while and will find it difficult to look after their finances

In situations like this, having an extra person to help with their accounts can be reassuring. There are options for both permanent and temporary support.

Power of Attorney (POA)

Power of Attorney is one of the more common ways for someone to be given access to another person's accounts. In order to be appointed as an Attorney you must be over the age of 18.

There are a few types of POA that may apply in different situations.

◦ General Power of Attorney:

Is usually put in place by the account holder when they find it hard to manage their own finances. This could be for reasons like physical disability or travelling abroad.

A General Power of Attorney can be cancelled at any time. It also stops if the account holder loses mental capacity to make decisions.

◦ Enduring Power of Attorney (EPA) - Isle of Man accounts:

An EPA is when a person decides, before they become incapacitated, to appoint somebody they trust (the attorney), to look after their finances or property. An EPA relates to property and financial affairs and enables the donor to appoint the attorney or attorneys to make decisions about their finances and property if they become unable to make these decisions and, in some cases, while the donor still has mental capacity. An EPA must be made by the donor. They can choose to give the attorney, authority immediately or only when the donor loses the ability to make decision.

We do not accept foreign Enduring Power of Attorney, however we can accept an Isle of Man registered Enduring Power of Attorney which will need to be provided by a Manx (Isle of Man) lawyer or solicitor.

◦ Lasting Power of Attorney (LPA) - Jersey accounts:

An LPA is when a person decides, before they become incapacitated, to appoint somebody they trust (the Attorney). Jersey has two different types of LPA, one which look after their finances or property which would include managing bank accounts and the other looks after the health and welfare which would deal with personal health care. An LPA that relates to property and financial affairs and enables the donor to appoint the attorney or attorneys to make decisions about their finances and property if they become unable to make these decisions and, in some cases, while the donor still has mental capacity.

An LPA must be made by the donor. They can choose to give the attorney, authority immediately or only when the donor loses the ability to make decision.

We can only accept LPA's which have been registered with the Jersey Courts.

◦ Lasting Power of Attorney (LPA) - Isle of Man accounts:

At our discretion we may accept a Lasting Power of Attorney registered with the Office of the Public Guardian (or equivalent) in the UK.

What happens when there is no Power of Attorney in place and the account holder has lost capacity?

This depends on where the account is held.

◦ Isle of Man situs accounts:

In the event that there is no Power of Attorney and the individual lacks mental capacity, then an application may be made to the Isle of Man courts to appoint a Receiver. The Receiver can be a close friend, family member or a professional such as an advocate

◦ Jersey situs accounts:

The Court of Protection makes decisions for people who are unable to make decisions for themselves and there is no Power of Attorney in existence. All applications must be made via a Jersey legal representative to the Royal Court of Jersey for a Court of Protection Deputyship order, and a person known as a Deputy will be appointed to manage the affairs of the person who lacks mental capacity. More than one person can be appointed, and it could be a relative, or a professional such as a solicitor or accountant

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Managing joint accounts when one account holder has lost capacity

If one of the joint account holders no longer has mental capacity it's imperative that you inform us as soon as possible. The account may be temporarily restricted (allowing essential transactions) or permanently restricted if the account mandate requires both account holders to sign. This restriction may remain in place until either an existing Power of Attorney or a Receiver/Deputy is registered with us.

Visa debit cards, telephone, online and mobile banking will be cancelled for the account holder who no longer has capacity. The remaining account holders will be required to reset their telephone banking password.

Setting up a Power of Attorney in advance of either of the account holders losing capacity can help mitigate the impact of a life changing illness. If you lose capacity and a Power of Attorney has not been created, then depending on where the account is held, an application will need to be made to either the Isle of Man courts for a Receiver to be appointed or the Jersey Court of Protection for a Deputy appointed.

We recommend that you seek personal legal advice when planning for the future.

To find out more



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Monday to Friday 9am to 5pm (UK time), except Wednesdays when we open at 9.30am



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