

Office of the Public Guardian

Fees, exemptions and remissions

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Form	OPG506A: Application for a fee exemption or remission	

Part A: About this booklet

This booklet sets out the fees payable to the Office of the Public Guardian (the ‘OPG’) from **1 April 2009** and how you may be eligible for an exemption or remission of those fees under certain circumstances.

For OPG fees due prior to April 2009, please call the helpdesk on: 0845 330 2900.

Information regarding Court of Protection fees and eligibility for exemption or remission can be obtained by calling the helpdesk on: 0845 330 2900.

Part B: Fees payable from 1 April 2009

Enduring and Lasting Power of Attorney fees

Enduring Power of Attorney (EPA) registration fee **£120**

This is payable on application for registration.
No refund is available should either donor or attorney die before registration is complete, nor if the application is invalid.

Lasting Power of Attorney (LPA) registration fee **£120**

Payable when the application for registration is made.
A separate registration fee is payable for a Property and Affairs LPA and a Personal Welfare LPA when each application for registration is made.

No refund is available should either donor or attorney die before registration is complete.

No refund is available should the application be invalid or imperfect.

Office copy of EPA/LPA fee **£25**

This fee is payable on application for an office copy of an EPA/LPA. No refund is available.

Application to search the registers fee **£25**

This fee is payable on application. This fee covers a search of the OPG registers of LPAs and EPAs. No refund is available.

Deputy fees

Appointment of Deputy fee **£100**

This is a one-off payment for placing the Deputy's details on a register and carrying out a risk assessment to determine the appropriate Deputy Supervision regime.

Deputy supervision fees

There are four types of supervision and each attracts a different annual fee which is payable annually in arrears on 31 March.

Type I (highest)	£800 p.a.
Type II A (intermediate)	£350 p.a.
Type II (lower)	£175 p.a.
Type III (minimal)	£ 0 p.a.

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Each case will be reviewed regularly and the type of supervision allocated may change as circumstances change.

Supervision fees will be calculated on a pro-rata basis if:

- there has been more than one type of supervision applied in a one-year period; or
- supervision has been in place for less than one year; or
- the person lacking capacity or the deputy dies. Fees are payable up to the date of death.

Details of pro-rata calculations will be shown on the invoice.

Part C: Fees questions and answers

Who is responsible for paying fees?

EPA and LPA registration fees: payable by the person seeking to register the EPA or LPA. They can be claimed back from the Donor's (person who made the EPA or LPA) funds.

Where an application is going to be made for a fee exemption or remission then this must be based on the **Donor's financial circumstances** and **not** the circumstances of the person seeking to register the EPA or LPA.

Appointment of Deputy fee: payable from the funds of the person for whom the Deputy was appointed.

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Application to search the registers fee: payable by the person making the application.

Supervision fees: Type I, IIa and II supervision fees are payable from the funds of the person for whom the Deputy was appointed. No fee is payable for Type III supervision.

Office copy fee: payable by the person requesting the document.

How should fees be paid?

Fees can be paid either by cheque, direct debit or credit or debit card:

Cheque payments: the cheque should be made payable to 'Office of the Public Guardian' with the client's name written on the back of the cheque. If the case and fee numbers are known, then these too should be written on the back.

Credit or Debit Card payments: should you wish to pay a fee by credit card, please telephone the direct line for such payments on 020 7664 7100.

Direct Debits: if you wish to pay the annual supervision fee by direct debit, please telephone 020 7664 7063 for the relevant application form. This is only for supervision fees.

Are fees payable if the person who lacks capacity or the applicant dies?

This will depend on the fee in question.

EPA and LPA registration fees, appointment of Deputy fee and application to search the registers fee: no refund is available.

Supervision fees: if the person who lacks capacity or the Deputy dies, supervision fees are payable up to their date of death and new fee arrangements will need to be made in relation to any replacement Deputy.

Part D: Exemptions and remissions questions and answers

This section applies to the person who is responsible for paying the fee.

If an application is being made for exemption or remission of an OPG fee then the evidence in support of the application should be based on the financial circumstances of the Donor (EPA/LPA) or the person for whom a Deputy has been appointed.

Am I eligible for a fee exemption?

You are eligible for a fee exemption if you receive any of the following **means-tested** benefits and you have not been awarded damages of more than £16,000, which were disregarded when determining eligibility for the benefit:

- Income Support;
- Income based Employment and Support Allowance;
- Income-based Job-Seeker's Allowance;
- Pension Guarantee Credit element of State Pension Credit (you will not be eligible if this is calculated as nil);
- A combination of Working Tax Credit **and** either Child Tax Credit, Disability Element Working Tax Credit or Severe Disability Element (within the Working Tax Credit). This does not include Disability Living Allowance or Invalidity Benefit;
- Housing Benefit; or Council Tax Benefit (not the 25% single person reduction).

At the discretion of the OPG, exemptions may be granted for a period of up to 3 years, providing the applicant signs the undertaking on form OPG506A to notify OPG immediately, in writing, should entitlement to the qualifying benefit cease.

The request must be accompanied by supporting evidence in the form of an official letter or entitlement notice from the appropriate benefit provider dated no more than **3 months old**. It must contain your title, full name, address and postcode and confirm current receipt of benefit.

If the appropriate evidence is not provided, your application will be refused and the full fee will be payable.

Applicants will be notified in writing of the period of award and will not need to supply further evidence, or complete an Application for a fee exemption or remission form during the award period.

Am I eligible for a fee remission?

If you do not qualify for a fee exemption, you may be eligible for a fee remission. The fee remission shown here applies to fees from 1 April 2009. Remission cannot be backdated to previous years fees. If your gross annual income* is within the bands shown in Table 1.

Income	Remission
Up to £12,000	no fee to pay
£12,001 to £13,500	75% remission - you need to enclose 25% of fee
£13,501 to £15,000	50% remission - you need to enclose 50% of fee
£15,001 to £16,500	25% remission - you need to enclose 75% of fee
Over £16,500	You are not entitled to a fee remission.

Table 1

*Gross annual income is the amount received before you pay tax and national insurance and includes all state benefits. It may come from:

- employment;
- non-means-tested benefits, including Attendance Allowance and Disability Living Allowance;
- pensions; and/or
- Interest from capital investments.

At the discretion of the OPG, fee remissions may be granted for a period of up to 3 years, providing the applicant signs the undertaking on Form OPG506A to notify OPG immediately, should any financial circumstances change which will affect the remission entitlement. This notification must be given in writing.

The request must be accompanied by supporting evidence in the form of:

Paid Employment: Copy of wage slips from each job as follows:

Monthly paid employment - last 3 wage slips, with the most recent being no more than 2 months old.

Weekly paid employment – last 6 wage slips, with the most recent being no more than 4 weeks old.

Self Employment: Most recent tax return (Self Assessment).

Non-means-tested benefits: An official letter or entitlement notice from the appropriate benefit provider dated no more than 3 months old and containing your title, full name, address and postcode and confirming current rate of benefit.

State/ Private/ Occupational Pensions: An official letter or entitlement notice from the appropriate pension payer dated no more than 3 months old and containing your title, full name, address and postcode and confirming current rate of pension.

Interest from capital, stocks, shares or bonds: Current statements or vouchers showing gross income received.

Any other income: Please provide current documentary evidence of any other income received which is not listed here, such as maintenance payments, rental income, etc.

If the appropriate evidence is not provided, your application will be refused and the full fee will be payable.

Applicants will be notified of the period of award and will not need to supply further evidence, or complete an Application for a fee exemption or remission form during the award period.

Please note that if **no** income is received, a signed written statement to this effect must be supplied.

What if I am not eligible for an exemption or remission but still cannot afford the fee?

It is possible that you may not be eligible for an exemption or remission under the criteria set out in Part D, but payment of the fee would cause you or your dependents undue hardship.

For example, it may be that payment of a fee would make it difficult to meet your normal living expenses such as food costs and bills.

In such circumstances you may apply for the fee to be waived by writing a letter to the OPG explaining your situation and including it with your application and any supporting documentation. At this stage you do not need to send payment.

What if I cannot afford to pay now but will be able to pay later?

If you are awaiting receipt of funds, for example from a damages award, an inheritance, or sale of property and cannot pay the fee immediately, you may be permitted to postpone payment. To do this you should include a letter with your application asking us to postpone collection of the fee, explaining the reason for your request and giving a suggested timescale for the deferral, which should not exceed 90 days.

If agreed, written notice of postponement will be issued and at the end of the agreed period, OPG will submit a fresh invoice, unless the fee has been paid in full.

How do I make an application for a fee exemption or remission?

To apply for a fee exemption or remission you should complete the form that you can detach from this booklet, or download from our website www.publicguardian.gov.uk. Send this to the OPG and include the relevant documentation as given in section D to support your claim.

If you are applying for an **exemption** you do not need to pay the fee when you make your application. If it is decided that you are not eligible for an exemption you will be asked to make the full payment.

If you are applying for a **remission** you should only send that portion of the application fee you are accountable for as set out in Table 1. If it is decided that you do not qualify for a remission you will be asked to pay the total fee less any amount already paid.

If a fee has been paid, then subsequent exemption/remission agreed, a refund will be issued to the applicant, unless the client/donor is deceased in which case, refund will be issued to the Personal Representative/Executor; full details of which will be required.

What if my application for a fee exemption or remission is unsuccessful?

We will consider all requests to waive, remit or postpone all or part of a fee. If it is not possible to agree to your request you will be informed in writing.

If you are unhappy with the decision, you can appeal in writing to the Head of Finance and Resources (at the address shown in Part F), who will carry out a review of the original decision. The request for a review must be received within 28 days of the date of the letter detailing the outcome of the initial application for exemption or remission. The request must be made in writing and specifically state the grounds for the request with the appropriate supporting evidence.

If the original decision is upheld, it will be referred to the Public Guardian for confirmation and you will be advised of the final outcome. No further requests for a review will be considered.

Part E: Declaration

Applicants must tick all 3 boxes and sign and date the Declaration at Section 5 of form OPG506A. Failure to do so will result in the application being refused.

Part F: Contact us

We are always happy to discuss your circumstances if you are unsure about what to do.

Office of the Public Guardian

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Fax Number: 020 7664 7705

Email: customerservices@publicguardian.gsi.gov.uk

Website: www.publicguardian.gov.uk

DX: 744240 Birmingham 79

Textphone: 020 7664 7755 (If you have speech or hearing difficulties and have access to a textphone, call us for assistance.)

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Disclaimer

OPG staff can provide advice about OPG processes only, and cannot provide legal advice or services. We recommend that you seek independent legal advice where appropriate. Information in this publication is believed to be correct at the time of printing, however we do not accept liability for any error it may contain.

