INFORMATION PUBLISHED BY THE LPA REGISTRAR PURSUANT TO SECTION 5(2) OF THE LASTING POWERS OF ATTORNEY AND CAPACITY ACT 2018

Exemption from LPA Fees

Section 5(2) of the Lasting Powers of Attorney and Capacity Act 2018 provides that the LPA Registrar may publish any information he thinks appropriate about the discharge of his functions.

This document is issued to clarify the procedure which will apply where an exemption is claimed from a fee prescribed by Schedule 3 to the Lasting Powers of Attorney (Registration) Regulations 2018.

Schedule 3 provides that the prescribed fees will not apply in respect of a person who is only in receipt of:

- an old age pension under the Social Security (Open Long Term Benefits Scheme) Act 1996;
- an old age pension under the Social Security (Closed Long Term Benefits and Scheme) Act 1997;
- rent relief under the Housing Act 2007; or
- minimum income guarantee payments under the Social Assistance Fund.

Meaning of "only in receipt of"

For the purposes of administering the exemption, the specified payment or payments must constitute the person's only source or sources of income. Receipt of one of the specified payments does not, of itself, establish entitlement where the person also receives income from another source.

By way of example, a person receiving a qualifying old age pension who also receives a private or occupational pension will not qualify. Other income may include employment or self-employment income, rental income, investment income, or income from another pension or regular payment which does not fall within Schedule 3.

The exemption does not impose a general capital or savings test. The mere ownership of savings or other assets will not, without more, disqualify a person. Income derived from those assets may, however, be relevant.

Evidence of entitlement

With effect from Monday 24 August 2026, a person claiming exemption under Schedule 3 must complete and sign the Application for Exemption from LPA Fees and file it with the relevant application or request.

The form must be accompanied by statements for the immediately preceding three months in respect of all bank, building society and other financial accounts held by that person, whether solely or jointly. Official electronic statements will be accepted.

Where those statements clearly identify the qualifying pension, rent relief or minimum income guarantee payment and are sufficient to establish its source, no separate documentary proof of that payment will ordinarily be required.

Where the transaction description is unclear or does not sufficiently establish that the credit is one of the payments specified in Schedule 3, current documentary evidence confirming the nature and receipt of the qualifying payment must also be filed.

The purpose of the bank statements is to provide evidence relevant to both receipt of the qualifying payment and whether the statutory condition that the person is only in receipt of the specified payment or payments is met. The requirement does not introduce a separate means or capital test.

Statements must also be provided for joint accounts. A credit into a joint account will not automatically be treated as income of the person claiming the exemption; an explanation or further evidence may be requested where necessary.

The LPA Registrar may request further information or documentation where reasonably required to determine whether the statutory exemption applies.

Statements by lawyers or representatives

A statement in correspondence from a lawyer, donee or other representative that a person is only in receipt of a qualifying payment will no longer, without the prescribed declaration and supporting evidence, be accepted as sufficient evidence of entitlement.

The declaration must be made personally by the person in respect of whom the exemption is claimed.

Statement of truth

The prescribed form contains a statement of truth by which the person claiming the exemption confirms the accuracy and completeness of the information provided and acknowledges the potential consequences of deliberate untruthfulness or dishonesty.

Applications which do not establish entitlement

Where the required declaration and supporting documentation are not provided, or where the material provided shows that the person is in receipt of income other than the payment or payments specified in Schedule 3, the statutory exemption will not be treated as established and the applicable fee will be payable.

Nothing in this document alters or extends the exemption provided by Schedule 3. Its purpose is to establish a consistent procedure by which entitlement to that exemption is evidenced and determined.

Karl Tonna
LPA Registrar
21 August 2026