

POWER OF ATTORNEY GUIDE

How to register a Power of Attorney to an account

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A guide to help you to register a Power of Attorney to a Janus Henderson account.

INTRODUCTION

Sometimes the ability to manage our own financial affairs becomes too difficult. This might be because of illness, age, disability or an accident. In such circumstances you might want someone you can trust to make decisions for you.

A Power of Attorney is a legal document drawn up by an individual ("**donor**") authorising one or more individuals ("**attorney(s)**") to act on their behalf. A key difference between a Will and a Power of Attorney is that a Will only takes effect after your death, whereas a Power of Attorney only authorises someone to act on your behalf during your lifetime.

This guide explains how to register a Power of Attorney with Janus Henderson. It is not exhaustive and is not personal advice. If a situation is complex, you may need to seek professional help, such as a solicitor. You can contact us using any of the contact details on page 8 and we will help where we can.

Ordinary Power of Attorney

- Used to appoint someone to look after your financial affairs for a short period e.g. due to illness.
- It typically ceases to be valid if the donor loses mental capacity or dies.

▶ General Power of Attorney

- An Ordinary Power of Attorney with no restrictions.

▶ Limited Power of Attorney

- An Ordinary Power of Attorney with restrictions, for example it may specify the areas in which the attorney can act, the duration of powers granted and whether it is effective immediately or upon a specific event or date.

Lasting Power of Attorney (LPA)

- Unlike a General Power of Attorney, a Lasting Power of Attorney continues to be valid if the donor loses mental capacity. It ceases on the donor's death.
- It must be registered with the Office of the Public Guardian.
- Janus Henderson only accepts a Lasting Power of Attorney for Property & Financial Affairs, and not the one dealing with a donor's Health & Welfare.

Enduring Power of Attorney (EPA)

- These predate the introduction of Lasting Power of Attorney. Whilst no new Enduring Powers of Attorney have been granted, any granted before 1 October 2007 remain valid. If the donor becomes or is mentally incapacitated, the Enduring Power of Attorney must be registered with the Office of the Public Guardian before it can continue to be used.

Continuing Power of Attorney (Scotland)

- Similar to a Lasting Power of Attorney, it remains valid if the donor becomes mentally incapacitated. However, it must be registered with the Office of the Public Guardian in Scotland.

Enduring Power of Attorney (Northern Ireland)

- Similar to a Lasting Power of Attorney, it remains valid if the donor becomes mentally incapacitated. However, it must be registered with the Office of Care and Protection in Northern Ireland.

Making a Power of Attorney legally valid

You should ensure that you implicitly trust the person or persons to which you grant Power of Attorney. You should speak with them, ensuring they are willing to take on the responsibility. A Power of Attorney has effect once signed (although any restrictions in the document may limit when powers are granted). To be legally valid a Lasting Power of Attorney needs to be registered with the Office of the Public Guardian or its equivalent in Scotland or Northern Ireland. There is typically a fee involved in setting up a Lasting Power of Attorney. An Ordinary Power of Attorney does not need to be registered with the Office of the Public Guardian and takes effect once signed, although organisations may carry out their own verification before accepting it.



Setting up a Lasting Power of Attorney can often be a worthwhile exercise because without one in place, your family will have to apply to the Court of Protection for a Court Order/Deputyship to manage your affairs if you lose mental capacity. This can be quite a laborious process. Please note that England and Wales, Scotland, and Northern Ireland each have a different process. For more information about Court Orders, we suggest you seek legal advice.

What is meant by 'mental capacity'

To have mental capacity means being able to understand, retain, weigh up and communicate the decisions you need to make. Vulnerabilities need to be taken into account. The government provides guidelines on assessing mental capacity at: www.gov.uk/make-decisions-for-someone/assessing-mental-capacity

If there comes a time when you lose mental capacity, any person making a decision on your behalf must make sure they are acting in your best interests. An Ordinary Power of Attorney (OPA) is temporary and only valid while you have mental capacity. You must specify which financial decisions an attorney acting under an OPA can make for you. A Lasting Power of Attorney (LPA) is still valid after you lose mental capacity, but you need to set it up while you have mental capacity.

How to register a Power of Attorney with Janus Henderson

On the following pages we explain the different routes available to register a Power of Attorney with Janus Henderson. Below are a few terms that may prove useful for your understanding of this document.

Key terms

Attorney	The person or persons granted power by the donor to act on their behalf.
Court of Protection	The court that acts on behalf of people who lack the mental capacity to make decisions and do not have a Lasting Power of Attorney (LPA) in place.
Court Order/Deputyship	Powers granted by the Court of Protection allowing the deputy (person accepted by the Court to be suitable for the role) to have similar responsibilities to an attorney. The deputy can only act within the authority set out by the court.
Donor	The individual who appoints one or more attorneys to act on their behalf. In the context of investments with Janus Henderson, the donor would be a client/account holder who holds investments in Janus Henderson funds directly with Janus Henderson.
LPA code	This is a temporary access code generated by the Office of the Public Guardian, and is used by financial services companies (e.g. banks, investment managers) to view a digital LPA.
Office of the Public Guardian	The government body in England and Wales that registers LPAs and EPAs and investigates complaints against attorneys. Similar bodies for Scotland are the Office of the Public Guardian (Scotland) and for Northern Ireland, the Office of Care and Protection.
Power of Attorney	A document granting someone the power to act on behalf of the donor.
Will	A document drawn up when the deceased was alive, setting out how the deceased's estate should be distributed to beneficiaries (the recipients of assets from the estate).

Registering a Power of Attorney with Janus Henderson

There are several routes to registering a Power of Attorney with us. To help with registration it is useful to fill in all or some of the **'Power of Attorney Registration Support Form.'** You can download a digital version using this link www.janushenderson.com/download/document/169284 and fill it out online, save it on your own computer and then upload the completed form digitally. Or you can download and print a version to complete in ink. Or you can contact us and we can post you the form.

You will need to provide us with a valid version of one of the Power of Attorney documents described on page 2. For Lasting Power of Attorney (LPA) it might be possible to register the LPA with us online so please read the information in the box below before selecting one of the options below.

Lasting Power of Attorney (LPA) (registered after 1 January 2016)

Online submission available: If you have an LPA that was granted after 1 January 2016, you may be able to show it to us online, avoiding the need to send physical copies.

The Office of the Public Guardian (OPG) launched the **Use a lasting power of attorney** service on 17 July 2020, providing activation keys to create access codes for LPAs registered on or after this date. For older documents, access codes can typically be generated for LPAs that were registered from 1 January 2016 onwards.

Access code: When the LPA is successfully registered with the Office of the Public Guardian (OPG), it becomes possible to generate an access code. An access code can be given to any company that needs to see the donor's LPA, instead of showing them the registered paper version. You can create these on the **Use a lasting power of attorney** service.

www.gov.uk/manage-lasting-power-attorney/use-lasting-power-of-attorney

Details about access codes and how to generate one can be found at the following link:

www.gov.uk/guidance/using-the-donors-lpa-access-codes-and-view-an-lpa

The access code is a special 13-character code beginning with V.

LPA access code	V											
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Time frame: Please keep in mind, this code is only valid for **30 days** from when it is created. If it is longer than this, then you will need to generate a new code or provide us with either the original document or a certified copy.

Tell us about any special rules: The online version of the LPA is a summary so it may not contain everything. If your LPA has any specific instructions, restrictions or preferences, please make sure to mention them. Sometimes, these details do not show up online, so we might ask for a paper copy to make sure everything is clear. **You can use the Power of Attorney Registration Support Form to tell us about any special rules.**

Option to send both: If you are concerned that we might not see all the details of the LPA online, feel free to give us both the access code and a paper version of the document. That way, we can double-check everything.

OPTION 1

MyJanusHenderson digital service

You can use the myJanusHenderson digital service to upload a certified copy of your Power of Attorney document.

If you do not already have access to a myJanusHenderson account, you will need to register for online access.

Both the **'Register for Online Access'** and the **'Set up a Power of Attorney'** buttons are available at the following link <https://my.janushenderson.com>

You can then follow the instructions on screen. You will need to have name and contact details of your attorney(s) to hand.

You can upload a certified copy of the Power of Attorney document via this route.

OPTION 2

Upload Facility

You can upload a certified copy of the Power of Attorney document following this link at <https://www.janushenderson.com/en-gb/investor/>. On the bottom left-hand side click on the orange button '**Upload here**' and fill in the details. In the box marked Document Type, please select "Power of Attorney (POA)" from the drop-down options. You can upload your certified Power of Attorney document and the '**Power of Attorney Registration Support Form**' using this facility.



For Option 1 and Option 2 if you are uploading a Lasting Power Of Attorney, we will accept LPA access codes (see earlier). You can share the access code with us over the phone, email or letter.

Please note if the Lasting Power of Attorney document has restrictions that are not visible on the LPA online summary, please complete the 'Power of Attorney Registration Support Form' and upload this form.

You can also use the form to confirm the correspondence address by completing section B.

OPTION 3

Post

If supplying the original or certified Power of Attorney document by post we would recommend filling out the appropriate sections of the 'Power of Attorney Registration Support Form' and sending this with the Power of Attorney document to:

Janus Henderson Investors
PO Box 9023
Chelmsford
Essex
CM99 2WB



We strongly recommend sending us the 'Power of Attorney Registration Support Form', rather than a covering letter. We may accept a Power of Attorney that is sent with a covering letter, but the covering letter will need to include Janus Henderson account number(s), account holder's full name, address, date of birth and name, and the name(s) and address(es) of attorney(s), all of which are neatly laid out in the form. We would need to verify identities, so the form makes that process easier as it contains the information we need to conduct electronic identity verification checks.

We can accept either an original or a certified copy of the Power of Attorney document. We need to receive the full document, without any missing pages.

How to certify your document

Certifying a document means to have a copy of the document verified by a qualified person (a Suitable Certifier) as a true and accurate copy of the original. This is done when you need to send a copy but not the original. The certifier will view the original and then write on the copy that is a true copy, together with their signature, occupation and some contact details.

All copies of the document must include the following wording:

"I hereby certify that this document is a true copy of the original."

All certified copies should include the following information which should be written on the copy itself and not on a separate piece of paper. The certification must be done on **EVERY** page of the document copy.

- Certifier name
- Certifier capacity (occupation/job title)
- Signed by the certifier
- Date
- Company name (if applicable)
- Telephone number

The certification must be dated within the last three months.

Who can be a Suitable Certifier?



Please note that a family member is unable to act as a certifier.

The following individuals are permitted to certify documents:

- A qualified solicitor/lawyer or attorney, registered with the relevant national professional body
- A qualified accountant, registered with the relevant national professional body
- A qualified actuary, registered with the relevant national professional body

- A Notary Public or a member of the judiciary, such as Justice of the Peace
- An individual employed by a regulated firm (e.g. a bank official or a financial adviser)
- An officer of an Embassy, Consulate or High Commission of the country or territory of issue of the document
- A chartered secretary registered with the Institute of Chartered Secretaries and Administrators
- A Commissioner of Oaths
- A serving UK Police Officer (UK residents only)
- UK Post Office (UK residents only)

How to send us your documents

You can submit the certified document, covering letter or forms through our website by visiting www.janushenderson.com/en-gb/investor/ and using the 'Upload here' button in the bottom left corner of the webpage. This opens up a document upload facility.

If you are an investor who is using the **myJanusHenderson** digital service, then you can use the link <https://my.janushenderson.com/> and click on the button 'Set up a Power of Attorney'.

Alternatively, you can send documents to us by post:

Janus Henderson Investors

PO Box 9023
Chemsford
CM99 2WB
United Kingdom

Once we receive the Power of Attorney, we will update our records to show the investor has a Power of Attorney in place.



Any documents sent to us are at your own risk. We will return any certified or original documents by recorded delivery, endeavouring to post them to you by close of business the following working day from receipt.

Verifying your identity

We are required to verify the identity of all attorneys who are acting on behalf of the client. We will endeavour to verify all attorneys via electronic data reference sources. We need to make you aware that if we are unable to do so, identity verification documents will be required. We will inform you of this in writing.

Do you need a Section 25?



A Section 25 Trustee form (specifically a Power of Attorney made under Section 25 of the Trustee Act 1925) allows an executor to delegate their functions, including the administration of a deceased person's estate, for a maximum period of 12 months. An example of this is when an executor is unable to act due to ill health, travel or other commitments. Similarly, a Section 25 can also be used to temporarily delegate your authority as a trustee (someone who has responsibility to manage a trust) to someone else. Again, this can only be for a maximum of 12 months.

An executor/personal representative is a person named in a will to manage a person's affairs after they die. The will is the document that was drawn up when the deceased was alive, naming the executor(s) and setting out who should be the beneficiaries of the deceased's estate. More information on this can be found in our [Estate Management Guide](#).

If the purpose of adding the Power of Attorney is because an executor has given the authority to an attorney to handle all tasks related to managing a deceased person's estate, then we will need to see a completed copy of the form set out in Section 25 of the Trustee Act 1925 to proceed. If you are a trustee delegating your authority we would also need to see the form to proceed. You should also consult the Trust deed as there may be special rules around delegation. Section 25 information is available here: www.legislation.gov.uk/ukpga/Geo5/15-16/19/section/25. Please consult legal advice if you are unsure.

Please note this is exceptional, as Power of Attorney only applies during a donor's lifetime. Here, the donor is the executor rather than the deceased. The attorney will still need to apply for probate (the legal process granting an executor the right to manage someone's affairs after death).

Key differences between Power of Attorney and Probate

Power of Attorney	Probate
An attorney is appointed by a donor	An executor is named in the will
Designed to assist someone who cannot handle their own affairs	Designed to distribute the deceased's estate correctly to the beneficiaries
Provides permission to manage a person's affairs while they are alive	Provides permission to manage a person's estate after they die.
Ends as soon as the donor dies	Begins after someone's death
Power of Attorney documentation required	Grant of Probate documentation required

Data privacy

How we use your personal information

At Janus Henderson, maintaining your privacy is important. We will only collect personal information from you that is necessary in relation to the product or service you have requested from us, and to comply with any legal or regulatory requirements. How we use that information and your rights are set out in our privacy policy.

For our full privacy policy, please visit www.janushenderson.com/en-gb/investor/privacy-policy

Contact details

If you are unsure about anything we will try to help. You can contact us in one of the following ways:



BY PHONE:

From the UK: **0800 832 832**

From abroad: **+44 1268 448 639**

(9:00am – 5:30pm Monday-Friday)

We may record telephone calls for our mutual protection, to improve customer service and for regulatory record keeping purposes.



EMAIL:

support@janushenderson.com



WEBSITE:

www.janushenderson.com/en-gb/investor

There is a document upload facility available at the bottom left and a web chat facility available at the bottom right on the website.



BY POST:

Janus Henderson Investors
PO Box 9023
Chelmsford
Essex
CM99 2WB



LITERATURE:

www.janushenderson.com/en-gb/investor/documents

Some documents are available in alternative formats, e.g. braille, large print and audio.



ADDITIONAL RESOURCES:

You may find the following links useful:

For help in setting up a Power of Attorney (client/donor perspective)

www.gov.uk/power-of-attorney

For help in making decisions on behalf of someone (attorney perspective)

www.gov.uk/make-decisions-for-someone

Power of Attorney information for Scotland

www.mygov.scot/power-of-attorney

Power of Attorney information for Northern Ireland

www.nidirect.gov.uk/articles/managing-your-affairs-and-enduring-power-attorney

Citizens Advice and Age UK also have dedicated support pages

www.citizensadvice.org.uk/family/looking-after-people/managing-affairs-for-someone-else/

www.ageuk.org.uk/information-advice/money-legal/legal-issues/power-of-attorney/

FOR MORE INFORMATION, PLEASE VISIT JANUSHENDERSON.COM

Janus Henderson
— INVESTORS —

Important information

The value of an investment and the income from it can fall as well as rise and investors may not get back the amount originally invested. Nothing in this document is intended to or should be construed as advice. This document is not a recommendation to sell or purchase any investment. It does not form part of any contract for the sale or purchase of any investment. Tax assumptions and reliefs depend upon an investor's particular circumstances and may change if those circumstances or the law change. We may record telephone calls for our mutual protection, to improve customer service and for regulatory record keeping purposes.

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