

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

FACTSHEET NO. 2 - Revocation/Cancelling a Power of Attorney (POA)



You may revoke/cancel the continuing or welfare power of attorney, or any of the powers granted in it providing the POA has been registered with the Public Guardian under section 19 of the Act.

What is required to revoke a registered POA?

To revoke a POA, a written document (revocation notice) is needed which sets out what the granter wishes to revoke, i.e. the entire POA or specific powers. The document must be signed by the granter.

The document must incorporate a certificate by either a practising solicitor, a practising legal advocate or a registered and licensed medical practitioner stating:

- That he/she has interviewed the granter immediately prior to the signing of the document;
- That he/she is satisfied, because of his/her own knowledge of the granter or because he/she has consulted another person (whom s/he names in the certificate) who has knowledge of the granter that at the time the revocation is made the granter understands its effect; and
- That he/she has no reason to believe that the granter is acting under any influence or any other reason which should prevent the revocation of the powers.

The revocation notice and certificate should be sent to the OPG for registration. There is no fee for registering a revocation notice.

The details of the revocation notice will be entered on the register and the continuing or welfare attorney notified. The local authority and Mental Welfare Commission will also be notified when a welfare power of attorney has been revoked.

Revocation takes effect immediately on registration. It is recommended however, that you send a copy of the revocation notice to your attorney(s) as soon as possible after signature so that they are aware of your intentions.

Revocation of a POA and granting a new one

You can revoke a registered POA and make a new one at the same time. A separate prescribed certificate is required to be completed and attached to each document when being sent to the OPG for registration. A registration form and fee will also be required for the new POA to be registered. Please refer to the fees order on our website or telephone our office to find out the current fee.

Further Information

Further information and guidance is available from the staff at OPG. However, if you require legal advice, you may wish to contact a legal adviser.

Office of the Public Guardian (Scotland)
Hadrian House
Callendar Business Park
Callendar Road
FALKIRK, FK1 1XR

DX: 550360 Falkirk 3
LP: LP-17 Falkirk

- Telephone: 01324 678300
- Fax: 01324 678301
- Email: opg@scotcourts.gov.uk
- Website: www.publicguardian-scotland.gov.uk