



Proposal for Handling Errors and Discrepancies

in Power of Attorney Submissions

This document outlines a proposal by the Office of the Public Guardian (OPG) to improve the efficiency and accuracy of Power of Attorney (PoA) registrations. Given the increasing volume of PoA submissions and the associated administrative burden caused by errors and discrepancies in names, OPG proposes a new approach: rejecting and returning PoAs with identified errors in the names of the granter or attorney, rather than contacting the sender for clarification. This document details the background, rationale, and potential benefits of this change, and invites feedback on its potential impact.

Background

The OPG has experienced a significant increase in PoA submissions, with over 95,000 received last year, a 30% increase from 2016-17. Projections estimate over 100,000 submissions this year (2025-26). A common issue encountered is errors or discrepancies in the names of the granter or attorneys within the submitted PoA.

Currently, when such errors are identified, the OPG contacts the sender to determine whether to register the PoA with the error or return it for correction and resubmission. This process has several negative impacts:

Impacts of Current Practice on OPG

1. **Increased Workload:** Contacting senders for confirmation regarding errors generates a significant amount of additional work, diverting staff from their core processing duties. The sheer volume of PoAs with errors exacerbates this issue.

2. **Requests for Corrected Certificates:** Senders who initially instruct OPG to proceed with registration despite errors often later request a fresh certificate of registration with the correct name. Providing these corrected certificates and copies of the deed, currently provided free of charge, requires additional administrative effort.
3. **Complications with Fundholders:** Banks frequently contact OPG regarding discrepancies in registered deeds. These errors cause complications when attorneys attempt to exercise their powers, as fundholders often reject deeds with name errors. Attempting to resolve these issues diverts OPG staff from core processing duties.
4. **Impediments to accessing information:** OPG aims to digitally transform its services, including having a 24/7 accessible Online Public Register. Accurate names of key parties are essential for speedy and accurate searches within the register. Errors in names will hinder any search of the register.

Proposal

To address these issues and enhance the overall efficiency and accuracy of PoA registrations, OPG proposes the following changes:

- **Emphasis on Pre-Submission Accuracy:** Reinforce the importance of ensuring that names detailed in a PoA are checked and correct before submission, rather than rectified after registration.
- **Rejection and Return of Erroneous PoAs:** Implement a policy of rejecting and returning PoAs where an error or discrepancy in the grantor or attorney's name is identified at the point of submission. OPG would no longer contact the sender to advise of the error.
- **Prospective Application:** Apply any change in practice from a future date, meaning it would not affect PoAs already submitted to OPG for registration.

This proposed approach aims to streamline the registration process, reduce administrative burdens, and improve the accuracy of the public register. It also aligns

with the broader goal of protecting the interests of adults with incapacity by ensuring the validity and enforceability of PoAs.

Benefits of the Proposal

- **Reduced Administrative Burden:** Eliminating the need to contact senders regarding errors will free up staff time for core processing duties.
- **Improved Data Quality:** Ensuring accurate names from the outset will improve the quality and reliability of the public register.
- **Streamlined Attorney Powers:** Correct names will prevent complications when attorneys attempt to exercise their powers, particularly when dealing with fundholders.
- **Enhanced Digital Transformation:** Accurate data is crucial for the successful implementation of digital services, including searching the Online Public Register.
- **Increased Protection for Adults with Incapacity:** By ensuring the accuracy and validity of PoAs, the proposal strengthens protections for adults with incapacity.

Call for Feedback

Before implementing these changes, OPG seeks to understand the potential impact on professional practice and would be grateful for feedback via the short survey which can be accessed via this [survey link](#)

Responses are sought by Friday 10 April 2026. Your feedback is valuable and will help us ensure a smooth and effective transition.

Thank you

Office of the Public Guardian (Scotland)

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