

STEP GLOBAL REPRESENTATIVE POWER FOR PROPERTY AND FINANCIAL AFFAIRS

MAKING A GRP – APPLICATION FORM GUIDANCE

This document outlines STEP's prescribed form guidance for making a Global Representative Power (GRP). This guidance is intended to be considered alongside the STEP GRP Model Application Form.

STEP Global Representative Power: Guiding Principles

- **Accessibility:** enhancing opportunities for individuals to understand the use and benefits of a GRP and encouraging individuals to make them.
- **Flexibility:** recognising that individuals making a GRP may wish to include directions, wishes or limits on a power, which should be facilitated within any document template.
- **Abuse prevention:** minimising the risk of undue influence/pressure, misuse of the GRP and abuse of vulnerable people.
- **Universality:** ensuring effective operation of a GRP in a cross-border context.

Whom is the Application Form for?

- The 'grantor': the person making a GRP.
- Anyone who is at least 18-years-old,¹ and has the mental capacity to understand the nature and effect of the document is eligible to create a GRP.
- The decision to create a GRP is voluntary and completely your own choice.
- You cannot make a GRP for someone else.

Who can be a representative?

- Anyone who is at least 18-years-old, and has the mental capacity to make financial- or property-related decisions.
- An individual you can trust and someone who understands and will respect your rights, will and preferences.²
- The representative should not be an undischarged bankrupt and/or subject to a debt relief order.³

Information for all those signing the GRP:

- You (the grantor) your representative(s) and your witness(es) must sign the GRP to bring it into force.
- By signing the GRP, you (the grantor) are appointing people (representatives) to make financial decisions for you.

Before the GRP can be used (steps for validation):

- Check whether the GRP needs to be registered in the relevant jurisdiction before it can be used.
- Note that the powers of the GRP commence upon the grantor no longer having mental capacity to make decisions in relation to their finances and property. However, the Model Application Form provides flexibility for the grantor to determine an earlier date for commencement of the GRP (before any loss of decision-making ability).

¹ Or of the legal age of majority as defined by the relevant jurisdiction.

² As specified by article 12 of the UN Convention of the Rights of Persons with Disabilities.

³ In some jurisdictions, such as Canada, there exists no legal impediment to a representative being an undischarged bankrupt. Jurisdiction-specific advice should be obtained if the donor wishes to appoint an undischarged bankrupt as a representative.

Cancelling the GRP (revocation):

- You can cancel the GRP at any time, as long as you have the mental capacity to do so. It does not matter if the GRP has been registered or not.
- Your representative/s cannot use the GRP to change your will or create a GRP on your behalf.
- The GRP will expire when you die.

Other guidance:

- If you hold the original GRP document, please keep the document(s) safe.

Guidance for the representative/s:

- Act in accordance with what you know the grantor reasonably expects you to do with their property. If you do not know the grantor's expectations, act as per the grantor's rights, will and preferences, with reference to any applicable laws and guidance in your jurisdiction.
- Act in good faith for the grantor's benefit.
- Do not take any actions beyond the authority granted in this GRP.
- Disclose your identity as a representative whenever you act for the grantor by writing or printing the name of the grantor and signing your own name as representative in the following manner: '*grantor's name*) by *(your signature)* as representative'.
- Although special instructions in the GRP may impose additional conditions or restrictions, at a minimum you should:
 - Avoid conflicts that would impair your ability to act as per the grantor's rights, will and preferences.
 - Act with care, competence and diligence.
 - Keep a record of all receipts, disbursements and transactions made on behalf of the grantor.
 - Cooperate with any person that has authority to make health care decisions for the grantor to do what you know the grantor reasonably expects; or, if you do not know the grantor's expectations, act as per the grantor's rights, will and preferences.
 - Attempt to preserve the grantor's estate plan; if you know the plan and preserving the plan is consistent with the grantor's rights, will and preferences.

ABOUT **STEP**

STEP is a global professional body, comprising lawyers, accountants, trustees and other practitioners that help families plan for their futures.

Our mission is to inspire confidence in families planning their assets across generations by setting and upholding high professional standards, informing public policy, promoting education, and connecting practitioners globally to share knowledge and best practice.

Full STEP members, known as TEPs, are internationally recognised as experts in their field, with proven qualifications and experience.

STEP Global Representative Power

This document forms part of the STEP Global Representative Power toolkit, which comprises:

- *Guiding Principles*
- *Model Application Form*
- *Making a GRP – Application Form Guidance*
- *Registered GRP Template Certificate*

The full toolkit can be found at www.step.org/grp

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