

Here to help

If you wish to find out more about LPAs, please telephone us and ask to speak to our Private Client team.

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Make a Lasting Power of Attorney

Give Yourself Peace of Mind



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What is a Lasting Power of Attorney (“LPA”)?

An LPA is a document that allows you to appoint someone to look after your affairs if you reach a point in the future when you can no longer make decisions on your own behalf.

Who can make an LPA?

Anyone who is over the age of 18 and has mental capacity can make an LPA.

What decisions does an LPA cover?

There are 2 types of LPA:-

a) **Property and Financial Affairs LPA** – covers decisions about:-

- Buying and selling your property.
- Running your bank accounts.
- Claiming, receiving and using your benefits, pensions and allowances.

b) **Health & Welfare LPA** – covers decisions about:-

- Staying in your own home.
- Moving into residential housing and choosing the most suitable care home for you.
- Giving or refusing consent to particular types of health care including medical treatment decisions.

What are the benefits of an LPA?

- You can choose the persons (attorneys) you wish to make decisions for you.
- If you have not made a LPA and you lose mental capacity (perhaps through Dementia, a stroke or mental health problems), somebody would have to apply to the Court of Protection to be appointed to manage your affairs and the applicant might not be the person you would choose to manage your affairs.
- The application to the Court of Protection is both costly and time consuming. There will also be ongoing annual costs to pay as well.
- You can give your attorneys instructions on what they can and cannot do and tell them your preferences as to how they should act when making decisions on your behalf.
- Even if you have not lost mental capacity but are finding it difficult to deal with your financial affairs through physical incapacity, your attorneys under your Property and Financial Affairs LPA will still be able to assist you e.g. writing cheques and going to the bank for you.

How long will an LPA take?

Once the LPA is sent off to the Office of the Public Guardian (OPG), it usually takes up to 16 weeks before the LPA is returned having been registered.

What information is required for an LPA?

- You will need to consider who you want your attorneys to be. They can be appointed:
 1. **Jointly** – all must sign every document
 2. **Jointly and Separately** – one attorney can sign without the others
 3. **Jointly for some matters and Jointly and Separately for other matters.**
- You can appoint a replacement attorney to act if one of your attorneys dies or becomes permanently incapable of acting.
- Your attorneys can only use your LPA once it has been registered by the Office of the Public Guardian. For your protection, you can (if you wish) choose up to 5 people to be told when your LPA is being registered. This is intended to prevent fraud by ensuring that other people are aware that the Donor or attorney is in the process of registering the LPA.
- When you sign your LPA, someone must confirm that you understand the document and that there is no fraud or undue pressure being used to get you to sign the LPA. They can be a friend if they have known you for 2 years or a professional such as a solicitor/doctor provided they have the relevant skills. They will be called a “Certificate Provider.”