



What is a Lasting Power of Attorney?

A lasting power of attorney (LPA) is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or to make decisions on your behalf.

This gives you more control over what happens to you if, for example, you have an accident or an illness and can't make decisions at the time they need to be made (you 'lack mental capacity'). You must be 18 or over and have mental capacity (the ability to make your own decisions) when you make your LPA.

There are 2 types of LPA:

- health and welfare
- property and financial affairs

You can choose to make one type or both. (There's a different process in Scotland and Northern Ireland.)

Health and welfare lasting power of attorney

Use this LPA to give an attorney the power to make decisions about things like:

- your daily routine, eg washing, dressing, eating
- medical care
- moving into a care home
- life-sustaining treatment

It can only be used when you're unable to make your own decisions.

Property and financial affairs lasting power of attorney

Use this LPA to give an attorney the power to make decisions about money and property for you, for example:

- managing a bank or building society account
- paying bills
- collecting benefits or a pension
- selling your home

It can be used as soon as it's registered, with your permission.

Who can be your attorney

Your attorney can be anyone 18 or over, such as:

- a relative
- a friend
- a professional, eg a solicitor
- your husband, wife or partner

You must appoint someone who has the mental capacity to make their own decisions.

When choosing an attorney, think about:

- how well they look after their own affairs, eg their finances
- how well you know them
- if you trust them to make decisions in your best interests
- how happy they will be to make decisions for you

You can't choose someone who is subject to a Debt Relief Order or is bankrupt if you're making a lasting power of attorney (LPA) for property and financial affairs.

If there's more than one attorney

If you're appointing more than one person, you must decide if they'll make decisions:

- separately or together - sometimes called 'jointly and severally' - which means attorneys can make decisions on their own or with other attorneys
- together - sometimes called 'jointly' - which means all the attorneys have to agree on the decision

You can also choose to let them make some decisions 'jointly', and others 'jointly and severally'.

Attorneys who are appointed jointly must all agree or they can't make the decision.

Replacement attorneys

When you make your LPA you can nominate other people to replace your attorney or attorneys if at some point they can't act on your behalf anymore.

Register a lasting power of attorney

When you've made your lasting power of attorney (LPA), you need to register it with the Office of the Public Guardian (OPG). Your attorney can also register it for you. You'll be told if they do and you can object to the registration.

It takes between 8 and 10 weeks to register an LPA if there are no mistakes in the application.

How much it costs

It costs £82 to register **each** LPA unless you get a reduction or exemption. You may not have to pay the fees if you're on means-tested benefits or a low income.

End or change your lasting power of attorney

You can end or change your lasting power of attorney (LPA) even if it's been registered, as long as you still have mental capacity. You can also complain if you have concerns about your attorney, eg they're not carrying out their responsibilities properly.

Other ways a lasting power of attorney can end

Your LPA may end if your attorney:

- dies
- loses the ability to make decisions - 'loses mental capacity'
- divorces you or ends your civil partnership if they are your husband, wife or partner
- is removed by the Court of Protection

Your property and financial affairs LPA may also end if your attorney becomes bankrupt or subject to a Debt Relief Order (DRO).

It can continue if:

- there are other attorneys who can act 'jointly and severally' - but not if they are only allowed to act 'jointly'
- there are replacement attorneys

Your LPA will end automatically when you die. Your affairs will be looked after by your executors or personal representatives from that point, not your attorney.

