

Your Guide to Lasting Powers of Attorney



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This is a legal document in which you give someone you trust the ability to make important decisions on your behalf. You can create one of these documents at any age.

Unlike an Ordinary Power of Attorney, a Lasting Power of Attorney (LPA) carries on should you become unable to make your own decisions and, if you choose, can give another person the ability to make decisions about your future care and medical treatment, as well as your finances.

Your LPA attorney can only start to make decisions **after** the document has been registered at the Office of the Public Guardian, so you can create the document and continue making your own decisions for as long as you feel able.

Should you start to feel that you cannot cope, or become aware of something that might impair your decision-making, such as certain medical treatment, you can **at that time** register the document and allow your LPA attorney to start making decisions.

There are two types of Lasting Power of Attorney:

- **Property and Affairs LPA** – gives your LPA attorney power to deal with your property and financial affairs

Typical tasks your LPA attorney could carry out for you under this are collecting your pension, benefits or other income, paying your bills, dealing with your bank or building society, completing tax returns, buying and selling property, making certain gifts

- **Personal Welfare LPA** – gives your LPA attorney powers and instructions concerning your future welfare and medical treatment

Typical tasks your LPA attorney could carry out for you under this are arranging your meals, buying your clothes, fixing your daily routine, deciding if it is time for you to move home – maybe into residential or nursing care – giving consent to or refusing life sustaining treatment on your behalf

Creating a LPA is an opportunity to put in writing your personal wishes about what you want to happen should your abilities deteriorate, whilst remaining free to continue making your own decisions for the time being.

Who can you choose to be your LPA attorney?

Any person over the age of 18, although for a Property and Affairs LPA they must not be bankrupt.

People often choose their spouse or civil partner, children, other relatives or close friends. It is also possible to choose a professional person such as a solicitor.

You can appoint more than one LPA attorney and, if you do this, you will need to decide whether they must all sign everything, all of the time (which may or may not be practical), or whether to allow them to act independently of each other.

Need for an independent Certificate

Due to the importance of the decisions you are making, you must choose an independent person to complete a certificate to show that you understand the nature and scope of the LPA.

The Certificate Provider (the independent person) can be someone you have known personally for at least two years or someone with the appropriate professional skills such as a solicitor, your doctor or a social worker.

The Certificate Provider must sign the certificate to confirm that, in their opinion, you:

- understand what a LPA is
- understand the powers that you are giving your LPA attorney
- are not being pressured, tricked or put under duress by anyone to make it

The Certificate is a vital part of the LPA forms, and without it the document cannot be registered with the Office of the Public Guardian.

Registering the Lasting Power of Attorney

When you decide the time has come to allow your LPA attorney to start work, the LPA must be registered at the Office of the Public Guardian.

The Office charges a registration fee, and the process takes approximately six to eight weeks.

You can register the document yourself or instruct a solicitor to register it for you. In some situations your LPA attorney can register the document and, if your LPA attorney does apply, the Office of the Public Guardian will notify you to ensure that you are aware they have done so and are in agreement.

Limitations

Your LPA attorney cannot usually make a Will for you, so you should ensure you have an up to date Will in place. There are also strict rules on the gifts an LPA attorney can make, and which a solicitor can advise you on.

Already have an Enduring Power of Attorney in place?

If you do, you may wish to consider making a Personal Welfare LPA to complement it.

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