



Published on *Sydney Mitchell Solicitors* (<https://www.sydney Mitchell.co.uk>)

[Home](#) > [About Us](#) > [Publications & Legal Guides](#) > Power of Attorney Guide

18
Jan

Power of Attorney Guide ^[1]

Whilst most people are aware that whatever their wealth they should make a will, far fewer consider what would happen if they could no longer manage their own affairs.

An overhaul of the system for those who lack the mental capacity to make their own decisions has been long overdue. From 1st October 2007 the **Lasting Power of Attorney (LPA)** took over from the **Enduring Power of Attorney (EPA)**.

What is a Lasting Power of Attorney?

If for some reason you are no longer able to handle your financial and personal affairs, a LPA is a legal document that can be drawn up that will – among other things – allow an appointed person(s) of your choice to ensure that your best interests are protected, your wishes can be carried out and that those around you will have the ability to deal with your affairs as you would have wanted.

What is the difference between an EPA and a LPA?

Under an EPA the person making it would appoint one or more people (the attorney) to act on their behalf in respect of their financial affairs. However, an EPA could only cover financial matters and did not extend to personal welfare issues.

There are two types of LPA's. The first is called LPA Property and Affairs and deals with financial assets such as the house, cash and investments. The second is LPA Personal Welfare. Under this your Attorney can make decisions about where you live and with whom and whether it might be better for you to move to a residential home. They can also make decisions about medical treatment and although your attorney cannot make decisions about life sustaining treatment you can make express provision for this in the LPA.

The LPA must be registered with the court to become effective whatever the donor's mental capacity. And there has to be a "certificate provider". This is a person who provides a certificate which goes to the court with the LPA that confirms that the donor understands what an LPA is, understands its contents and that there has been no pressure brought to bear.

I have already got an EPA; do I need to change this for an LPA now?

No, any EPA's signed and dated before 30th September 2007 will continue to be valid.

How do you set up a LPA?

We can take you through all the legal and other formalities, and also advise in more detail on the advantages of having a LPA. Please contact Tracy Creed on **0808 166 8860** or email webenquiries@sydneymitchell.co.uk ^[2] for specialist advice.

 [What is a Lasting Power of Attorney?](#) ^[3]

Links

[1] <https://www.sydney-mitchell.co.uk/about-us/publications-legal-guides/power-attorney-guide>

[2] <mailto:webenquiries@sydney-mitchell.co.uk>

[3] https://www.sydney-mitchell.co.uk/sites/default/files/attachments/lasting_power_of_attorney.pdf