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Lasting Power of Attorney ^[1]

[Appoint Attorneys to make decisions on your behalf. Talk to us about LPAs today](#)



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A Lasting Power of Attorney ("LPA") is a legal document which allows you to appoint one or more individuals ("Attorneys") to deal with your affairs and make decisions on your behalf should you become unable to do so yourself.

Enduring Power of Attorney

Introduced in October 2007, a **Lasting Power of Attorney** has now taken over from the **Enduring Power of Attorney**.

Is my Enduring Power of Attorney still valid?

If you have an Enduring Power of Attorney that was made **before October 2007** it will still be a valid legal document.

I have made a will, why do I also need to make an LPA?

We all know the importance of making a will ^[3] but what about if you became unable to manage your affairs yourself, whilst you are still alive? For example if you were suddenly taken ill and left physically or mentally incapacitated, your family would not automatically have the legal authority to deal with your affairs, such as your investments, banks accounts, your house or even your business.

If this were to happen and there was no LPA in place, an application must be made to the Court of Protection to appoint a "Deputy" to manage your affairs. This process is costly and can take many months.

By making an LPA now, whilst you are fit and able, not only can you choose who should deal with your affairs (rather than the Court deciding) but it means that, should the worst happen, the LPA is in place and ready for use.

Types of LPA

There are two types of LPA:

1. Property & Financial Affairs LPA

This gives your Attorney(s) the right to make decisions concerning your financial affairs and assets, including:

- Your house
- Your savings
- Your investments
- Any business interests you may have

It will give your Attorneys wide powers including the ability to:

- Manage your bank accounts
- Buy or sell property on your behalf
- Deal with your investments
- Receive income or inheritances due to you

2. Health & Welfare LPA

This LPA can only be used after you have lost mental capacity to make decisions regarding your personal welfare. This allows your Attorney(s) to make relevant personal welfare decisions, when required, on your behalf, such as:

- Deciding where you should live
- Day to day care
- Giving consent to or arranging medical treatment

What is required to make a Lasting Power of Attorney?

Both types of LPA must be registered with the Office of the Public Guardian ("OPG") before they can be used.

Other safeguards are also included, such as the need to name up to five people who should be notified when the LPA is registered.

There must also be a "certificate provider" who is an independent person who certifies that at the time of making the LPA, you understand its scope and implications and that you are not being pressurised into making it.

What type of LPA should I make & who should I choose

as my Attorney?

Whatever your age or circumstances, **you should consider making one or both types of LPA**. Your chosen Attorney(s) could be:

- Your spouse;
- Other family members;
- A close friend;
- A professional;

but most importantly should be someone who,

- **You trust;**
- Has the necessary **skills to make decisions** on your behalf;
- Will act **in your best interests**.

Both types of LPA give wide powers to your Attorney(s) and professional advice should be taken in making them.

For further information, please see our publication "[What is a Lasting Power of Attorney](#)" [4]

Our specialist lawyers can advise on and prepare LPA documents for you. [Contact us](#) [2] for more information.

Links

[1] <https://www.sydney Mitchell.co.uk/services-individuals/wills-and-probate/lasting-power-attorney>

[2] <https://www.sydney Mitchell.co.uk/contact>

[3] <https://www.sydney Mitchell.co.uk/services-individuals/wills-and-probate/making-will>

[4] <https://www.sydney Mitchell.co.uk/sites/default/files/images/Lasting%20Power%20of%20Attorney%20-%20Aug%202014%20-%20web1.pdf>