

Lasting Powers of Attorney

A Lasting Power of Attorney is a legal document which allows you to choose people you trust to make decisions for you if you become unable to make your own decisions in the future.

There are two types of Lasting Power of Attorney (often referred to as LPAs): one for property and financial decisions and one for health and welfare decisions. You need not make both types together, but it is recommended if you want to ensure that all scenarios are covered.

What decisions can an Attorney make?

A property and financial affairs Attorney could support you with paying bills, speaking to the bank, writing cheques and investing money for you. They could also rent or sell your property.

A health and welfare Attorney could support you with decisions about the type of care you receive, where you receive your care, where you live and your general day-to-day welfare and routine. They could also speak to professionals and make medical decisions for you if you have lost the ability to do so for yourself.

Why should I make a Lasting Power of Attorney?

An LPA allow the individuals you have chosen to protect and safeguard your assets and to meet any liabilities for you if you lost the ability to make decisions for yourself, even if only temporarily.

People can often feel like making an LPA means they will lose control of their own decisions however, this is not the case. Making an LPA allows you to retain control as you choose now, who you would like to support you, how they act together, when they can act and any restrictions on the decisions they can make for you.

An LPA must be made at a time when you have sufficient mental capacity to understand the document. It is therefore sensible to prepare ahead of time and not to leave making them until it is too late.

What happens if I do not have a Lasting Power of Attorney?

Without a Lasting Power of Attorney, your loved ones would not have the legal authority to support you if you were taken ill, even if temporarily. This may mean that they cannot participate in some decisions for you, or that your bills cannot be paid.

The only option to access the finances of someone who lacks mental capacity, if they do not have an LPA, is to apply to the Court of Protection for a Deputy Order, which can be time consuming, costly and more burdensome.

Who should I choose to be my Attorney?

Anyone over the age of 18 could be considered as your Attorney, but it is important to consider the role, what is involved and the responsibility that is placed upon them.

Some people prefer to appoint professionals as Attorneys because professionals can be independent, impartial and have the time and experience to manage this role

The most important consideration is who you would trust to make decisions on your behalf and in your best interests if you were unable to do so.