

Lasting Power of Attorney

A Lasting Power of Attorney is a legal document that allows you to choose another person(s) to make decisions on your behalf (called attorneys), when you lack capacity to make the decisions yourself. You can also choose a replacement attorney(s) who will only act if your attorney(s) cannot act for any reason. You can choose one attorney if you wish, if you choose more than one attorney you must decide whether they are to act jointly or jointly and severally. For example, you may wish to have your spouse as your attorney and your adult children as replacement attorneys.

A Lasting Power of Attorney is completed when you have mental capacity and can only be used once it has been registered with the Office of the Public Guardian. It can be registered before or after you lose capacity either by you or your attorney(s).

There are two types of Lasting Power of Attorney:

- Property and Financial Affairs – which allows an attorney(s) to make decisions about paying bills, dealing with bank accounts and investments, collecting benefits and selling your house if necessary. This guidance covers Property and Financial Affairs Lasting Power of Attorney only.
- Health and Welfare – which allows an attorney(s) to make decisions on your medical treatment, care, medication etc. This is not the same as a Living Will

The Lasting Power of Attorney can be signed by you and your attorney(s) and then be put away for safe keeping with or without being registered until you either lose mental capacity or feel you may want your attorney(s) to help you deal with your property and finances, under your direction, for as long as you have mental capacity.

The Lasting Power of Attorney can be cancelled by you at any time whether or not it has been registered, as long as you have the mental capacity to do so.

If you do not have a Lasting Power of Attorney and you lose mental capacity your next of kin (or friend or professional if you have no family) will have to apply to the Court of Protection to become your Deputy in order to deal with your finances, which can be a long and expensive process.

We would usually recommend you make a Lasting Power of Attorney in respect of your property and financial affairs, even if it turns out that it is never needed or registered.

A Lasting Power of Attorney ends on death.

Your Lasting Powers of Attorney

Donors (you) title, full name, address and date of birth, please also give you email address and/or telephone number in case of queries:

Attorneys title, full names (please ensure you have checked that the name any identification is in (such as a passport or driving license) is the same as the name you give), addresses and dates of birth:

Replacement Attorneys title, full names (please ensure you have checked that the name identification is in (such as a passport or driving license) is the same as the name you give), addresses and dates of birth:

Is the power of Attorney to be registered now * and if so who will be signing the papers to register it?

* *If the Lasting Power of Attorney is not registered now and you lose capacity then if the form has mistakes in it they cannot be corrected. The Office of the Public Guardian recommends the form is registered as soon as it is completed. The registration fees charged by the Office of the Public Guardian is £82 per form*