

Lasting Power of Attorney

A Lasting Power of Attorney is a legal document that allows you to choose another person(s) to act and make decisions on your behalf (called attorneys), when you lack capacity to make the decisions yourself. In the case of financial decisions this Power of Attorney can be used by your attorneys if you wish them to act on your behalf when you have capacity. You can also choose replacement attorneys who will only act if your attorneys cannot act for any reason or have died. You can choose one attorney if you wish. For example, you may wish to have your spouse as your sole attorney and your adult children as replacement attorneys.

A Lasting Power of Attorney is signed 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 attorneys.

There are two types of Lasting Power of Attorney:

- Financial Decisions – which allows attorneys to make decisions about paying bills, dealing with bank accounts and investments, collecting benefits and selling your house if necessary. This guidance covers the Financial Decisions Lasting Power of Attorney only.
- Health and Care Decisions – which allows attorneys to make decisions on your medical treatment, care, medication etc. This is not the same as a Living Will or advance decision.

The Lasting Power of Attorney can be signed by you and your attorneys and then be put away for safe keeping with or without it being registered until you either lose mental capacity or feel you may want your attorneys 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 financial decisions, even if it turns out that it is never needed or registered.

Your Lasting Powers of Attorney

Donors (you) title, full name, address and date of birth, please also give your 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(s) to be registered now and if so, who will be signing the papers to register it?