

What is a Lasting Power of Attorney?

Plan for your future. Stay in control.

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A **Lasting Power of Attorney (LPA)** is a legal document

It lets you choose someone you trust (called an **attorney**) to make decisions for you, if you cannot make them yourself.

You can choose **one or more** attorneys.

An LPA is **not the same as a will**. But many people create both at the same time, to plan for the future.

There are 2 Types of LPA

1. Health and Welfare LPA

This allows your attorney to decide (if necessary) where you live, what you eat, your medical treatment, who you see. This LPA can only be used when you can no longer make your own decisions

2. Finance and Property LPA

This allows your attorney to manage (if necessary) your money and bank accounts, paying your bills, your benefits or pension, your property (including selling your home). This LPA can be used from the point of registration with The Office of The Public Guardian (with consent while you are still able to make your own decisions)

How does an LPA work?

If you become ill or have an accident and can't make decisions, your attorney can step in. They will make choices based on your wishes whenever possible.

- **Without an LPA**, your loved ones may need to go to **court** to get permission to make decisions on your behalf. This can be **slow, stressful** and **expensive**
- **With an LPA**, your chosen attorney(s) can act **quickly and easily** when needed

What is an attorney - and who can I choose?

An attorney is the person (or persons) you appoint to make your decisions on your behalf, if you lose the ability to do so. The person(s) you choose to be your attorney should be someone you trust to make significant decisions with regards to your health, finances and welfare. To be eligible to act as an attorney, the person(s) you choose must:

- Be over 18 years old
- Not be bankrupt (for Finance and Property LPAs)
- Be mentally capable of making decisions

Many people choose family members or trusted friends to act as their attorneys, or there is the option of appointing a professional attorney (such as a solicitor). When deciding who is going to be your attorney, think about how well someone looks after their own affairs, how well you know them, if you trust them to make decisions in your best interests and how happy they will be to make decisions for you.

Can I give instructions or state my wishes in an LPA?

Yes, you can include:

- Instructions – what your attorney must do
- Preferences – what you would like them to do

This can be helpful to your attorney in making the right decisions for you.

⚠ Be careful - Specific instructions can sometimes limit your attorney in exceptional situations.

What is Mental Capacity?

Mental Capacity refers to a person's ability to make decisions for themselves. According to the Mental Capacity Act 2005, a person lacks capacity if they are unable to:

- Understand information relevant to the decision
- Retain that information long enough to make the decision
- Weigh up the information to reach a decision
- Communicate their decision in any way
(speech, sign language, gestures etc)

Who Should make an LPA and when?

Anyone can lose mental capacity – at any age – due to illness or an accident. Making an LPA means that you choose who makes decisions for you and that you avoid the court choosing someone for you.

Without an LPA no one can legally manage your financial or health decisions, even if you would have wished them to do so and the court may appoint someone you did not choose.

Why make an LPA?

- Peace of mind
- You stay in control
- Trusted people can help you when needed
- Avoid costly or slow court processes
- Preferences – what you would like them to do

If you want to make sure that someone you can trust can help you in the future,
its a **good idea** to make an LPA.