

A new form of Lasting Power of Attorney (LPA) came into effect on 1st October 2007 and, in addition to making decisions about your finances, you can appoint your chosen Attorney to make important decisions about your medical treatment and long-term health care.

Everyone over the age of 18 can make an LPA provided they understand how to make it, the choices they can make and the power that it gives. It is very important you understand the implications and this is why an LPA must be set up before you lose mental capacity.

The person(s) you choose could be a member of your family, a trusted friend or a legal advisor and you can nominate different Attorneys to assume responsibility for different decisions i.e. an Attorney for your finances and an Attorney for making decisions relating to your personal welfare. If you choose more than one Attorney for each area then you must decide whether the appointment is a joint appointment in which case the Attorneys all have to act together or a joint and several appointment when they can act together or individually.

LPA – Property and Affairs

Your Attorney will have the power to manage your finances e.g. operating a bank account, rearranging your investments and selling property. Your Attorney is not permitted to make gifts on your behalf other than those that you have made on a regular basis e.g. Christmas and Birthday gifts to the family or regular charitable donations.

LPA – Personal Welfare

Your Attorney will have power to make decisions about your health care and medical treatment e.g. where you should live and who looks after you on a day to day basis; consenting to or refusing medical examinations and treatment.

In both forms of LPA you can add restrictions or conditions to areas where you would not wish the Attorney to have the power to act.

Your LPA must be registered with the Office of the Public Guardian before it can be used. An unregistered LPA will not give your Attorney any legal powers to make a decision for you. You can register the LPA while you are still capable or the Attorney can apply to register the LPA at any time.

We can advise on setting up the Lasting Powers of Attorney and on the application for registration.

All existing, valid forms of Enduring Power of Attorney will still be recognised and enforceable.