

Lasting Power of Attorney (LPA) vs Enduring Power of Attorney (EPA) What's the Difference?

If you wish to appoint another person to act on your behalf in respect of your financial and property affairs, then this can be achieved with a Lasting Power of Attorney (LPA). Some individuals may have already created a power of attorney, under previous legislation, known as an Enduring Power of Attorney (EPA).

As of 1 October 2007, EPAs can no longer be created but any EPA correctly executed prior to this date will still be effective and valid.

Even if you have an EPA in place, you may wish to prepare a new LPA to replace it. Below we have highlighted some of the key differences between EPAs and LPAs.

	EPA	LPA
You can have a separate document to cover your Health & Welfare needs, if you lose capacity	✗	✓
The document can be used by your Attorneys if you have lost mental capacity	✓	✓
The document can be used by your Attorneys before you lose mental capacity, if you ask them to	✗	✓
You can appoint Replacement Attorneys to act in the future, if your original Attorneys become unable to act (whether that be because they have died, do not wish to act or are unable to act)	✗	✓
You can easily provide your Attorneys with guidance and written wishes as to how they should act on your behalf	✗	✓
You can choose when to register the document	✗	✓
Your Attorneys have a statutory (legal) duty to act in your best Interests (<i>as opposed to just a common law duty</i>)	✗	✓
When being registered, certain family members must be notified of the application, possibly including any estranged family members	✓	✗

If you wish to discuss any particular aspect in further detail then please do not hesitate to contact us for a free, no obligation consultation - call: **01206 700590** or email: enquiries@fjg.co.uk.