



## Lasting Powers of Attorney

Everyone wants to have peace of mind, knowing that, if the need arose, their affairs and welfare would be looked after by a person they know and trust.

What would happen if, through illness or accident, you were to become unable to make decisions for yourself?

- Who would look after your property and finances?
- Who would make decisions about your care and welfare?

If these issues concern you, you should think about Lasting Powers of Attorney (LPA).

### What is an LPA?

It is a legal document in which you appoint someone of your choice (your 'attorney') who would be able to act on your behalf and make decisions in your best interests if you should ever be unable to do so yourself.

### A relative has the authority to manage my accounts; do I still consider an LPA?

Yes, if you were to lose mental capacity other forms of authority given by you before you lost capacity would become invalid.

### What would happen if I were to become incapable of making decisions for myself?

If you had appointed someone as your attorney under a valid LPA in relation to your property, this person would be able to manage your property and affairs for you in your best interests.

A valid LPA in respect of health and welfare would enable your attorney to make personal decisions on your behalf, for example where you should live or what medical treatment you should have.

## Why are there two kinds of LPA?

### Can I cover everything in one document?

They are two separate documents and must be signed separately because they have different effect.

- A **property LPA** can, if you so chose, be used by your attorney to help you manage your affairs even if you are capable of doing so yourself. You may simply prefer to allow your attorney to look after your property and finances for you, subject to whatever instructions you may wish to give.
- A **welfare LPA** on the other hand can only ever be used by your attorney to make decisions for you about your health and welfare if you are unable to make such decisions yourself.

A property LPA may therefore be of practical use to you at any time, but a welfare LPA would only be used if you ever lost mental capacity.

You can appoint different people to act as your attorney in respect of your property and your personal welfare.

### Who should think about making a Lasting Power of Attorney?

While older people are more at risk of suffering from illnesses like dementia, an accident or serious illness which affects mental capacity can happen to anyone.

Everyone who wants to have peace of mind, knowing that, if the need arose, their affairs and welfare would be looked after by a person they know and trust, should think about Lasting Powers of Attorney.

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*A client guide to*

# Lasting Powers of Attorney

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# What would happen if I do not have a LPA?

If you were to become mentally incapable, no one would have authority to deal with your property and finances. This means accounts may not be paid and money would not be available to pay for your day-to-day needs. If your property needed to be maintained, let or sold, no one would be able to do so.

An application would need to be made to the Court of Protection to appoint someone as a deputy to look after your property and affairs.

The disadvantages are:

- An application to court for the appointment of a deputy is likely to cost a lot more than an LPA would have.
- The application will take a few months to finalise and the delay can cause problems for you and your family.
- The person who is appointed as deputy may not be the person who you would have chosen yourself.

If any decisions needed to be made about your personal welfare, when you have lost mental capacity, then usually people looking after you such as carers, social workers and medical professionals would be able to make decisions on your behalf, as long as they acted in your best interests.

However the situation can become very difficult if there is disagreement. For example, Social Services can make decisions about where you should live even if your family disagree. If there is a serious dispute, your family would have to apply to the Court of Protection for an order. The court is very unlikely to appoint a deputy to take charge of decisions about your health and welfare generally, and so it is possible that more than one application must be made to the court as circumstances arise.

In the absence of a welfare LPA you are at risk of having strangers making decisions about all kinds of issues relating to your personal welfare, even if your friends or relations know what your wishes would have been. Giving a welfare LPA to someone you trust means that this risk is greatly reduced.

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*This guide is not a full statement of the law. Individual advice should be taken before taking any action. The information in this leaflet is of a general nature and may not reflect your individual circumstances. Please also note that details may change.*

**Don't leave legal issues too late:  
seek advice at the earliest stage.**

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