



A Guide to  
Lasting Power of Attorney

Help and advice.



## What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) is a legal document that you (the Donor) make using a special form. It allows you to choose someone now (the Attorney) who you trust to make decisions on your behalf about things such as your property and financial affairs or health and welfare at a time in the future when you no longer wish to make those decisions or you may lack the mental capacity to make those decisions yourself.

An LPA can only be used **after it is registered** with the Office of the Public Guardian.

## The Types of LPA

There are two different types of LPA:

- a health and welfare LPA
- a property and financial affairs LPA

## Who can make an LPA?

Anyone aged 18 or over, with the capacity to do so, can make an LPA appointing one or more Attorneys to make decisions on their behalf. You cannot make an LPA jointly with another person; each person must make his or her own LPA.

## People involved in making an LPA

The following are the different people involved in making an LPA:

### **The Attorney(s)**

An Attorney is the person(s) you choose and appoint, using an LPA form, to make decisions on your behalf about either your health and welfare or property and financial affairs or both. It is an important role and one that the person chosen has to agree to take on. If you appoint more than one Attorney, you can state whether they must agree on all decisions or whether they may act independently of each other.

You can name a Replacement Attorney(s) to step in and make decisions on your behalf if your initial Attorney(s) is no longer able to act.

### **Donor**

A Donor is someone who makes an LPA appointing an Attorney(s) to make decisions about his/her health and welfare, property and financial affairs or both.

### **Named Person(s)**

A named person is someone chosen by the Donor to be notified when an application is made to register their LPA. They have the right to object to the registration of the LPA if they have concerns about the registration. The named person(s) are specified in the LPA form. Selecting people to notify of an application to register is one of the key safeguards to protect you if you make an LPA.

### **Certificate Provider**

A certificate provider is the person the Donor must select to complete a Part B Certificate in the LPA form. The certificate provided must confirm that the Donor understands the LPA and that the Donor is not under any pressure to make it. The certificate provider is another important safeguard, and is usually your Solicitor or Doctor.

## **Witness**

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A Witness is someone who signs the LPA form to confirm that they witnessed:

- the Donor (the person making the LPA) signing and dating the LPA form; or
- the Attorney(s) (the person appointed by the Donor) signing and dating the form.

It is an important role and acts as a further safeguard.





## Health and Welfare LPA

### Health and Welfare Lasting Power of Attorney

A health and welfare Lasting Power of Attorney (LPA) allows you to plan ahead by choosing one or more people to make decisions on your behalf regarding your personal healthcare and welfare.

These health and welfare decisions can only be taken by somebody else when you lack the capacity to make them for yourself; for example if you are unconscious or because of the onset of a condition such as dementia.

The Attorney(s) you appoint to make welfare decisions will only be able to use this power once the LPA has been registered and provided that you cannot make the decisions for yourself.

You can decide to give your Attorney the power to make decisions about any or all your health and welfare matters. This could involve some significant decisions, such as:

- Giving or refusing consent to particular types of health care, including medical treatment decisions; or
- Whether you continue to live in your own home, perhaps with help and support from social services, or whether residential care would be more appropriate for you.

If you want your Attorney(s) to have the power to make decisions about 'life-sustaining treatment', you have to expressly give your chosen Attorney(s) the power to make such decisions.

You can also give your Attorney(s) the power to make decisions about day-to-day aspects of your personal welfare, such as your diet, your dress, or your daily routine. It is up to you which of these decisions you want to allow your Attorney to make.

This type of LPA does not allow your Attorney(s) to make decisions about your property and financial affairs. If you would like someone to be able to make property and financial affairs decisions on your behalf you will need to make a property and financial affairs LPA.





## Property and Financial Affairs LPA

### The property and financial affairs Lasting Power of Attorney

A property and financial affairs Lasting Power of Attorney (LPA) allows you to plan ahead by choosing one or more people to make decisions on your behalf regarding your property and financial affairs.

You can appoint a property and financial affairs Attorney to manage your finances and property whilst you still have capacity, as well as when you lack capacity. For example, it may be easier for you to give someone the power to carry out tasks such as paying your bills or collecting your benefits or other income.

This might be easier for lots of reasons; you might find it difficult to get about or talk on the telephone, or you might be out of the country for long periods of time.

You can decide to give your Attorney(s) the power to make decisions about any or all of your property and financial affairs matters. This could include paying your bills, collecting your benefits or selling your house.

This type of LPA does not allow your Attorney(s) to make decisions about your personal welfare. If you want someone to be able to make health and welfare decisions on your behalf you will need to make a health and welfare LPA.



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