



SIX QUESTIONS & ANSWERS ABOUT LASTING POWERS OF ATTORNEY

With Rural succession planning expert and Accredited Facilitator Christine Malseed

1.

WHAT IS A LASTING POWER OF ATTORNEY (LPA)?

A lasting power of attorney (LPA) is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or to make decisions on your behalf. This gives you more control over what happens to you if you have an accident or an illness and cannot make your own decisions (you 'lack mental capacity'). Putting in place a Lasting Power of Attorney can give you peace of mind that someone you trust is in charge of your affairs. If at some time in the future you lack the mental capacity to make important decisions for yourself, an LPA will enable someone to make these decisions for you.

2.

WHAT DOES 'LACKING MENTAL CAPACITY' MEAN?

Common examples of when a person might lack mental capacity and are therefore unable to make decisions for themselves are:

- Dementia
- A mental illness
- A brain injury

3.

WHAT IS THE ALTERNATIVE TO AN LPA?

If you lose mental capacity without an LPA in place, it will be necessary for your family to apply to the Court of Protection to have a deputy appointed to deal with everyday financial matters. This is a slow and very expensive process, costing thousands of pounds.

If you already have an LPA in place, this will not be necessary.

4.

WHAT ARE THE DIFFERENT TYPES OF LPA?

If you are unable to manage your own affairs, an LPA (Lasting Power of Attorney) appoints one or more people of your choice to do it for you. There are two types of LPA:

Personal welfare LPA gives your attorney the power to make decisions about your daily routine (washing, dressing, eating), medical care, moving into a care home and life-sustaining medical treatment. It can only be used if you are unable to make your own decisions.

Property and financial affairs LPA gives your attorney the power to make decisions about your money and property, including managing your bank or building society accounts, paying bills, collecting your pension or benefits and, if necessary, selling your home.

5.

WHO CAN BE AN ATTORNEY?

You should appoint someone you trust to act in your best interests. Your attorney can be a family member or a friend, although it makes sense to appoint someone who is used to dealing with your finances, if you are making a Property and Financial Affairs LPA.

It is a good idea to appoint at least two attorneys. This way, someone will still be able to look after your affairs if something happens to one of them.

6.

HOW TO SET UP A LASTING POWER OF ATTORNEY.

It's generally recommended that you set up both a personal welfare LPA and a property and financial affairs LPA at the same time.

Contact the [Office of the Public Guardian](#) to get the relevant forms and an information pack. You can download the forms or fill them out online.

You can fill out the forms yourself, or with the help of a solicitor or local advice agency.

The LPA must be registered with the Office of the Public Guardian before it can be used. There's a fee of £82 to register your LPA.