

Lasting Power of Attorney (LPA)

Key Definitions

Donor = the donor is the person granting the power of attorney.

Attorney = A person who is authorised by a power of attorney to act on behalf of, and in the name of, another person, i.e., the donor.

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) allows you, provided you are aged 18 and over to appoint someone, a close friend or relative, to make decisions on your behalf.

Types of Powers of Attorney

There are two types of Lasting Powers of Attorney. An LPA that grants authority in relation to the donor's **financial decisions** and an LPA that grants authority in relation to the donor's **health and care**.

A financial decisions LPA can allow, for example, the attorney to pay the donor's bills, sell their property or investments and operate their bank accounts. The attorney can use the LPA while the donor still has capacity, unless the donor specifies otherwise in the LPA.

A health and care LPA can only be used when the donor loses capacity (or the attorney reasonably believes that the donor has lost capacity). The attorney can make decisions about the donor's medical treatment, but the attorney cannot make decisions about life-sustaining treatment unless the donor specifically permits this in the LPA. The attorney can also make decisions, for example, about the donor's diet, where they live and how they spend their time, unless the donor specifies otherwise in the LPA.

When might you need a Lasting Power of Attorney

You can create an LPA at any time as long as you are aged 18 and over and provided that you have mental capacity. It is always a good idea to have an LPA in place even if you do not think you need one as if you were to lose mental capacity and there was no one able to assist you with your health care decisions or financial affairs you would need to make a costly and time-consuming application to the Court of Protection for them to appoint a Deputy to act on your behalf.

In short, an LPA gives you peace of mind that if you were to lose mental capacity there would be people that you trust willing and able to make important health and financial decisions on your behalf.

How much does an LPA cost and where is it registered?

An LPA must be registered with the Office of the Public Guardian (OPG) who will check the forms submitted to them ensuring all of the relevant information has been submitted to the form and that the relevant signing procedure has been carried out properly

It costs £82 to register a Health and Care LPA with the OPG. It also costs £82 to register a financial decisions LPA with the OPG. This fee is means tested and you could be entitled to a reduced fee depending on your financial circumstances