

# Lasting Powers of Attorney

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mfg Solicitors: A new shape of lawyer



**As from the 1<sup>st</sup> October 2007 it became possible to create a Lasting Power of Attorney (LPA). This document replaces Enduring Powers of Attorney (EPA) but an LPA may be prepared to have effect alongside your existing EPA. LPA's represent the first legal opportunity to appoint someone to ensure that any strong wishes you may have regarding medical treatment and care are respected.**

### What is an LPA?

An LPA is a legal document. It allows you to choose people whom you trust to make decisions on your behalf. This could include making decisions about how your property and money is dealt with and/or about your personal welfare. An LPA can be extremely useful should you, in the future, no longer wish to make those decisions yourself or lack the mental capacity to do so.

### Who is involved?

#### The Donor

If you complete an LPA you are called the Donor. You are giving someone (your Attorney(s)) power to make decisions about your property and money or your personal welfare, or both.

#### The Attorney(s)

The Attorney(s) are the people you appoint to make decisions on your behalf. It is a very important role and is subject to guidance and regulation for your protection.

There are two types of LPA.

**1. A *Property and Affairs LPA*** enables you to appoint Attorney(s) to make decisions on your behalf in relation to your property and money.

Please note that unless you state that your LPA can only be used if you become mentally incapable; it may, if you prefer, be used with your permission whilst you are still fit and well.

The type of decisions your Attorney(s) make may include:

- Operating, closing or opening accounts containing your money;
- Claiming and receiving benefits on your behalf;
- Dealing with your tax affairs;
- Paying your household expenses;
- Buying, selling or leasing your property; and
- Paying for private medical treatment or residential care costs from your money.



**2. A Personal Welfare LPA** enables you to appoint Attorney(s) to make decisions on your behalf in relation to your welfare.

Please note that a Personal Welfare LPA may only be used if you lack capacity to make these decisions yourself.

The type of decisions your Attorney(s) make may include:

- Consenting to or refusing consent to any medical treatment or procedure;
- Deciding where you should live;
- Deciding what care and accommodation may be appropriate for you;
- Making decisions about your dress, diet and personal appearance; and
- Taking you on holiday or authorising someone else to do so.

You may provide guidance in both types of your LPA as to how your Attorney(s) may make these decisions and anything else that you would wish your Attorney(s) to consider.

#### **Who can make an LPA?**

Anyone aged 18 or over and able to make a fully considered decision can make an LPA.

#### **How do I make an LPA?**

To make an LPA you must use a special LPA form. To be valid it is essential that the LPA form is completed correctly, while you are capable.

#### **Who should be your Attorney(s)?**

An LPA gives your Attorney(s) the ability to make major financial and welfare decisions on your behalf and so it is important who you choose.

#### **What do I do next?**

If you wish to have an LPA prepared, or require advice on the benefits and implications of making an LPA, then please contact one of our friendly experts who will be pleased to assist you.

**For more details, or to arrange an appointment, please contact mfg Solicitors LLP Private Client Department on **0845 55 55 321** or visit [www.mfgsolicitors.com](http://www.mfgsolicitors.com)**

