

Lasting Power of Attorney Fact Sheet



What is a Lasting Power of Attorney (LPA)?

An LPA is a legal document which allows a person (Donor) to nominate a representative (Attorney) to make decisions on the Donor's behalf and deal with their affairs in the event that they lose mental capacity. The Attorney must always act in the Donor's best interests.

There are two main categories of Lasting Power of Attorney (LPA); Health and Welfare, and Property and Finance. These are separate documents and are independent of each other.

A Health and Welfare LPA gives the Attorney the power to make decisions regarding the Donor's personal welfare, such as daily routine, medical and life-sustaining treatment and nursing home choices. It can only take effect when the Donor is unable to make their own decisions and the LPA has been registered with the Office of Public Guardians.

A Property and Finance LPA gives the Attorney the power to make decisions regarding the Donor's money and property, such as managing bank or building society accounts, paying bills, collecting benefits or pensions or selling their home. It can take effect as soon as the LPA is registered, with the Donor's permission.

Why do you need an LPA?

You can choose someone you trust as an Attorney to take care of your affairs and wellbeing before you lose capacity, giving you peace of mind that you will be looked after in the event you become unable to make your own decisions:

- If you lose mental capacity without an LPA in place, your loved ones will need to go through a long and costly court process to apply for deputyship to make decisions for you, meanwhile your bills and commitments are ongoing.
- You can only set up a Lasting Power of Attorney when you have mental capacity. Once you've lost capacity, it's too late.
- An LPA not only protects you and your Estate from disaster should you lose capacity, but they are also a very useful to those with businesses who need to nominate someone to handle their affairs during an extended period of absence.

NSD Wills and Estates offer both types of Lasting Power of Attorney (LPA); Health and Welfare, and Property and Finance. We also offer bespoke business asset LPAs, which can be used to protect your business in the event that you lose capacity. To talk to us about writing an LPA, contact us on the details below.