

QS
CLEAR PRICE
GUARANTEE

LASTING POWERS OF ATTORNEY

Your safeguard for your Health and
Welfare, Property and Finances



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Lasting Power of Attorney

Putting a Lasting Power of Attorney (LPA) in place is an important safeguard if you were ever involved in an accident or had an illness that meant you could no longer make decisions for yourself at all or unassisted. This is the only way you can control who is appointed to make decisions on your behalf, whether you become incapacitated temporarily or for a longer term.

An LPA is for during your lifetime, but will not come into effect until it has been registered with the Office of Public Guardian (OPG) and if you lose capacity. As the person who appoints the LPA, you are known as the donor. Your trusted LPA will be able to make decisions on matters that you have authorised – whether those matters relate to your health and welfare, your property and finances, or both. Highlighted below are the two different types of Lasting Power of Attorney.

Health and Welfare Attorney

A health and welfare attorney can make decisions on your behalf (or help you to make decisions) about things like:

- Living arrangements
- Medical care
- Daily routine, such as diet and personal care
- Activities that improve your quality of life, like holidays or support for you to visit family and friends
- General maintenance spends, like hairdressing, new clothes or decorating your home or room in a care home

A health and welfare attorney cannot automatically make decisions about medical treatment. In creating the appointment, you can choose to include instructions about specific medical treatments that you'd like to consent to or refuse. These sorts of decisions are usually captured in a Living Will (also known as an Advanced Decision Directive), which is separate to any Will or LPA you put in place. Our solicitors can explain the differences to you and suggest what might work best for your circumstances.

Property and Financial Affairs Attorney

A property and financial affairs attorney can make decisions on your behalf (or help you make decisions about things like:

- Money management, including paying bills and liaising with HMRC regarding tax
- Bank and building society accounts
- Property and investments, including buying and selling
- Pensions and benefits
- Gifting assets (strict rules apply so it's highly advisable to seek legal advice)

There are certain restrictions on the types and scale of decisions that property and financial affairs attorneys can make. Naturally, all attorneys must make decisions in the best interests of the donor, but some decisions may need involvement from the Court of Protection as an additional safeguard. These decisions may, for example, relate to gifts, the purchase of something from a donor below a market rate or tax planning.

Attorneys must keep their finances completely separate from yours (as the donor) at all times.



Who can be your attorney?

Anyone of aged 18 or over, who has the mental capacity to make their own decisions, such as:

- Your husband, wife or partner
- A relative
- A friend
- A professional such as a solicitor

You cannot appoint someone as a property and financial affairs attorney if they are bankrupt or have a debt relief order.

You can appoint more than one person to be your attorney. If you are appointing more than one person, you will need to specify if they must make decisions jointly or if either can make a decision separately. You can be detailed as to when joint or separate decisions would be allowed.

Before appointing an attorney, consider:

- How long and well you know the person
- How well they look after their own affairs
- If you trust them to make decisions in your best interests
- Whether they would be happy to act as your attorney and make decisions on your behalf
- Who might be your replacement attorney if something should happen to your original attorney



Replacement attorneys

It is possible to account for a 'back-up' attorney when you appoint your original Lasting Power of Attorney. Being an attorney carries a lot of responsibility and takes time, so it might be wise to plan ahead if an attorney would like to permanently step down from the role (known as disclaiming their appointment) or if life changes mean they no longer qualify to act on your behalf.

Your originally appointed attorney may no longer be able to act for you if:

- Your relationship changes through divorce, dissolution or separation (though you can specify if you'd like them to continue as your attorney in this event)
- They die or become incapacitated
- They become bankrupt or subject to a debt relief order
- They decide to stop being your attorney

If a replacement attorney is appointed, they will only be able to act if the original attorney or attorneys are no longer able to or no longer want to; they cannot temporarily stand in. The replacement attorney must meet the same eligibility requirements as the original attorney, and cannot replace a replacement attorney. Choosing to nominate one or more replacement attorneys gives you flexibility and accounts for longer term life changes.



Registering and using your Lasting Power of Attorney

You must register your Lasting Power of Attorney with the Office of the Public Guardian (OPG) before you can use them. Provided there are no mistakes or objections when you register your Lasting Power of Attorney, each page will be stamped 'registered' to give you a finalised document.

The type of Lasting Power of Attorney will determine when the document will become in power. Health and welfare attorneys will only come into effect if you no longer have the capacity to make the decision for yourself. Property and financial affairs attorneys can either act on your behalf when you no longer have the capacity to make decisions or they can act immediately if you give your explicit consent for this to happen.



Who are QualitySolicitors?

Your local legal experts

With over 100 branches across the UK, our solicitors are local, approachable and professional. Everything we do is designed to make life easier and less stressful for you when dealing with your legal matter.



QualitySolicitors offer the following key promises:



Direct lawyer contact



Free initial assessment



Saturday openings*



No hidden costs



Same-day response

*Contact your local office for availability on Saturdays

Give yourself peace of mind and contact us about putting a Lasting Power of Attorney in place today.



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