

# Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) is a legal document that enables you to choose people you trust to make decisions on your behalf about your property and financial affairs or health welfare when you no longer wish to make those decisions yourself or when you lack the mental capacity to do so.

A Lasting Power of Attorney enables you to appoint one or more people, known as attorneys, to make decisions on your behalf.

## Two types of LPA

There are two types of LPA that an individual can make:

**Property and Affairs LPA** – This gives your attorney authority to make decisions about your financial affairs such as managing your bank accounts and claiming benefits on your behalf.

**Personal Welfare LPA** – This gives your attorney authority to make decisions about your healthcare and personal welfare such as decisions about what medical treatment you should receive.

## Who can make an LPA?

Anyone over the age of 18 with the capacity to do so may make an LPA appointing one or more attorneys to make decisions on their behalf.

## Who can act as my attorney?

You can appoint anyone you trust to act in your best interests, provided they are over 18 and not bankrupt when they sign the form. You can appoint more than one person to act. You can also appoint replacement attorneys.

Attorneys are under an obligation to act in accordance with the principles of the Mental Capacity Act 2005 and to have regard to the Act's Code of Practice. This includes encouraging the donor to participate in the decision-making process wherever possible.

## How do I make an LPA?

There are separate forms for making a Property and Affairs LPA and a Personal Welfare LPA. These forms are available online from [www.Directgov.co.uk](http://www.Directgov.co.uk)

The LPA must be signed by the person making the LPA, the attorneys appointed in the LPA and by an independent third party called a Certificate Provider.

The Certificate Provider signs the form to confirm that the individual making the LPA has the capacity to do so and has not been put under any undue pressure to make the LPA.

## Who can be my Certificate Provider?

Your Certificate Provider can be a professional such as a doctor or social worker or someone who has known you well for at least two years such as a friend or neighbour.

A family member, attorney or relative of an attorney cannot be your Certificate Provider.

## Does an LPA need to be registered?

The form must be registered with the Office of Public Guardian before it can be used. There is a fee for registering each LPA

As part of the registration process you can request that other people are notified that the LPA is being registered.

## Have you made a Lasting Power of Attorney?



## Creating an LPA

Burton Sweet can assist you in creating an LPA by:

- Giving you clear and impartial advice about making an LPA.
- Helping you decide who to appoint as your attorney(s)
- Advising your attorney(s) on the responsibilities that they will be taking on.
- Completing the LPA forms on your behalf.
- Advising you on who can be your Certificate Provider.
- Completing the separate forms required to register the LPA once completed.
- Notifying the individuals that you have requested be notified, that the LPA is being registered.
- Sending the forms to the Office of Public Guardian on your behalf.

Please give Chris Mair a call if you would like to discuss making an LPA.



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