Guide to UK Lasting Power of Attorney

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A Lasting Power of Attorney (LPA) is an important legal document that lets someone you trust make decisions on your behalf if you are no longer able to do so yourself.

It's something you might need if you become too ill or unable to make decisions about your life. This guide will explain what an LPA is, why you need one, and how to set it up.

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What is a Lasting Power of Attorney?

An LPA is a document that gives someone else the power to make decisions for you. The person you choose to act on your behalf is called your **attorney**. You can choose one or more people to be your attorney, and they can help you with things like your money, your health care, or other important decisions in your life.

There are two types of Lasting Power of Attorney

1

Health and Welfare LPA

This allows your attorney to make decisions about your health care, living arrangements, and personal care if you can't make these decisions yourself.

2

Property and Financial Affairs LPA

This gives your attorney the power to make decisions about your money, bills, and property, such as selling your home or managing your bank account.

Why Do You Need a Lasting Power of Attorney?

As you grow older or if you become ill, there may come a time when you can't make decisions for yourself.

This could be due to a serious illness, a disability, or an accident. Without an LPA, if you are unable to make decisions for yourself, someone may need to apply to the courts to make decisions on your behalf. This can be a slow and expensive process.

Having an LPA in place means that you've already decided who will make these decisions for you, and it can be used immediately if needed. It can also give your family and friends peace of mind, knowing that your wishes are being respected.

How Do You Set Up a Lasting Power of Attorney?

Setting up an LPA is something you can do on your own, but it's important to make sure it's done correctly. The steps are simple, but you need to follow them carefully to make the LPA legal.

Here's how to do it:

1 Choose Your Attorney(s)

Decide who you want to act for you. You can have one or more people, as mentioned earlier. Make sure they are happy to take on this responsibility.

2 Fill Out the Forms

You will need to complete a special form for each type of LPA (Health and Welfare or Property and Financial Affairs). These forms are available online from the Office of the Public Guardian (OPG) or at your local post office. The forms ask you to provide details about you, your attorney, and any instructions or preferences you have.

3 Sign the Forms

You will need to sign the form in front of a witness. This could be someone like a friend or a family member, but they can't be your attorney or related to them.

4 Get Your Attorney's Signature

Your attorney must also sign the form to confirm that they agree to act for you.

5 Register the LPA

Once the forms are completed and signed, you must send them to the Office of the Public Guardian to be registered. There is a fee for this, but it's important to do it before you need the LPA to be used. Registration can take several weeks, so it's a good idea to do it early.

6 Wait for Confirmation

Once your LPA is registered, you will get a certificate confirming it. This means it's now a legal document, and your attorney can start acting on your behalf if you need them to.

What Happens After the LPA is Registered?

Once your LPA is registered and you need someone to make decisions for you, your attorney can start helping you right away.

For example:

If you're ill and need help with your health care, your attorney can make decisions based on your wishes.

If you can't manage your finances, your attorney can help you pay bills and look after your property.

If you want your attorney to act only when you're unable to make decisions yourself, you can add that to the document. This is often called a **'trigger'** condition, meaning your attorney can only step in when something happens, like if you become very ill.

What Happens If You Don't Set Up an LPA?

If you don't make an LPA and you are unable to make decisions, your family or friends will have to go to court to apply for something called a **Deputyship**.

This process can be expensive, take a long time, and might not be the way you would have wanted things to be done.

It's much easier and quicker to set up an LPA while you are well and able to make decisions. It allows you to have control over who makes choices for you and what those choices should be.

Final Thoughts

A Lasting Power of Attorney is a very important tool that helps make sure your wishes are followed if you can't make decisions for yourself. It's a good idea to set one up while you are still well and able, so you can choose someone you trust to make decisions for you. It gives both you and your family peace of mind and can save a lot of time and effort later on.

If you need help setting up an LPA, you can ask a lawyer or look online for more information. It's worth taking the time to do it now, so you don't have to worry about it in the future.

Start today,
and give your future self the gift of financial freedom!

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