

# Guide to: Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) is a legal document that lets you appoint one or more people (known as 'Attorneys') to assist you in making decisions or to make decisions on your behalf.

There are two types of Lasting Powers of Attorney; Property & Financial Affairs and Health & Welfare. You can decide to put in place one, or both LPAs.

## Why is an LPA important?

**Property & Financial Affairs** - There may be circumstances in which you may need assistance in dealing with your everyday financial affairs. This could be because you are out of the country or because you are in hospital or house-bound following an accident or illness. If you lost mental capacity, you would be unable to make decisions yourself but your chosen Attorney would be able to make these decisions for you and act in your best interest. The Attorneys would be able to make decisions such as:

- Paying bills;
- Selling your home (if for example you had to go in to a care home); or
- Managing your bank accounts.

**Health & Welfare** – This can only be used if you have lost mental capacity and are unable to make your own decisions. If you do unfortunately lose mental capacity, then your Attorney's can make decisions such as:

- Medical care (dentist, doctors);
- Every day care, such as making arrangements for washing, dressing etc.;
- Moving into a care home; or
- Life sustaining treatment.

## Who can act as an Attorney and who should be appointed?

Anyone can be appointed as an Attorney provided that they are not bankrupt and that they are over the age of 18 years. You must ensure that you think carefully about who you appoint as your Attorney. They will have access to all of your assets and you must, therefore, be able to trust that they will act in your best interest at all times. You could appoint a family member, relative, friend, or a professional body such as your solicitor. You may also wish to consider appointing a replacement should your initial Attorney(s) die before you, or be unable or unwilling to act for any reason.

## What would happen if I didn't make an LPA and I lost mental capacity?

If unfortunately, you lost mental capacity and you do not have an LPA in place, an application would have to be made to the Court of Protection for someone to be given the legal authority to act on your behalf. You would be unable to choose who to appoint to act on your behalf and the Court would make this decision for you. The Court of Protection application process is far more timely and costly in comparison to putting LPA's in place and there would therefore be delays in the appointed Attorney(s) being able to assist you.

This guide is provided for general information purposes only and does not constitute legal or other professional advice.

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