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LIVE FOREVER THROUGH YOUR LEGACY

What is the Difference between the two types of Lasting Powers of Attorney (LPAs)

A Lasting Power of Attorney is a legal document which allows a person (called the donor) to appoint someone they know and trust to make decisions on their behalf should they become unable to do so in the future. If you lose your mental capacity. This person is called an attorney. Attorneys must always act in the best interest of the donor. You may decide to use different attorneys for each LPA. People that you know and trust with your health maybe different to the people that would look after your finances.
There are 2 types of LPA:-

- Health and Welfare
- Property and Financial Affairs

Health and Welfare

- Day to day decisions such as exercise and dietary requirements
- Medical care
- Life sustaining treatment – talking to doctors on your behalf
- Relocation into a care home or sheltered accommodation

A Health and Welfare LPA can only be used once it has been registered with the Office of Public Guardian (OPG) and or when the donor loses mental capacity.

Property and Financial Affairs

- Managing bank accounts
- Paying bills
- Collecting income and benefits
- Making decisions with regards to the home
- Selling the home
- Managing investments

A Property and Financial Affairs LPA can be used as soon as it is registered with the OPG. The donor can restrict the rights the attorneys have under the "instructions" section of the LPA form.

Registration

Once the LPA forms have been submitted to the OPG, they can take up to 20 weeks to be registered. There is a registration fee of £92 per document and is means tested so if the donor is on a low income or benefits, they may be eligible for remission of those fees.

Did you know?

- An LPA can only be made by someone who has mental capacity. If a person loses mental capacity and has no LPA in place, an application would need to be made to the Court of Protection who will appoint a deputy to act in the donor's best interests (this is known as Deputyship Order). Anyone over the age of 18 can apply to the Court of Protection to be your Deputy to make financial decisions on the donor's behalf. This can be a lengthy (normally 6-month timeframe) and very expensive process.
- The LPA ends when the donor dies

Capacity can be lost at any time and at any age. It could be due to either an accident, a stroke or a deteriorating condition so please don't wait until it's too late…

Don't delay! Pick up the phone and call today!

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