

### What Is An LPA?

A Lasting Power of Attorney or an LPA is a legal document that allows you to appoint a person who you trust to act on your behalf, this person will then have authority over your property and financial and/or health and welfare affairs in the event of your incapacity.

### Types of LPA?

You can create two types of LPA:

- Property and Affairs LPA
- Personal Welfare LPA

#### Property and Affairs LPA

A Property and Affairs LPA allows you to appoint someone to make decisions on the way your property affairs are managed and how your money should be spent.

#### Personal Welfare LPA

A Personal Welfare LPA allows you to choose someone to make decisions about your healthcare and welfare. This can include decisions to refuse or consent to treatment on your behalf and deciding where you live.

These decisions can only be taken on your behalf when the LPA is registered and you lack the capacity to make the decisions yourself.

### How Many LPA's To Appoint?

You may not be able to check up on an attorney if you become incapacitated later in life, for this reason it is in your best interests to appoint someone you trust and that you know will look after you at a time when you no longer hold the capacity to do so yourself.

It can be advisable in certain situations to appoint more than one attorney to prevent abuse of responsibility. You should appoint someone who manages their finances well and will use your money to meet your needs.

### Existing LPA's?

Lasting power of attorney replaced the EPA on 1 October 2007. A person given power under an EPA before 1 October 2007 can still use it and apply to have it registered.

This person has a duty to apply to register the EPA as soon as they believe that you are becoming or have become mentally incapable of making financial decisions for yourself.

### How Do Cancel an LPA or EPA?

#### Lasting power of attorney (LPA)

You can cancel your LPA only if you have the mental capacity to do so. If there is a dispute about whether your LPA has been cancelled, the Court of Protection has the authority to make a decision.

#### Enduring power of attorney (EPA)

You can cancel an unregistered EPA if you have the mental capacity to do so, without applying to the Court of Protection.

To cancel a registered EPA you must show the Court of Protection that: that you understand who the attorney is and what powers they have, that you understand the effect of the cancellation and why the EPA needs to be cancelled

LPA & EPAs can both be revoked if you or your attorney becomes bankrupt. This excludes Personal Welfare LPAs.

### Seeking Professional Advice?

Depending on the complexity of your estate and financial affairs you should always seek professional advice. **Solomons Solicitors** can help you create an LPA.

If you would like a **free initial consultation** to discuss the creation of your LPA, please feel free to contact us:

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