

Lasting Powers of Attorney

Lasting Powers of Attorney (LPA's) were created by the Mental Capacity Act 2005.

An LPA can be made by someone aged 18 years or over (the Donor) to appoint another person or persons (the Attorney) to act on their behalf to assist them in relation to the management of their financial affairs and/or decisions in relation to their medical welfare.

Prior to October 2007 an Enduring Power of Attorney ('EPA') was a document drawn up appointing a person (an attorney) to manage the property and financial affairs of another person ('the donor'). An EPA can no longer be created however if a person has made an EPA prior to October 2007 it can still continue to be used to manage someone's property and financial affairs.

An EPA needs to be registered if the Attorney/Attorneys believe that the Donor is becoming or has become mentally incapable of handling his or her own affairs. There is a specific procedure for registration which we can advise you on and help you with should you need it.

A Lasting Power of Attorney – property and financial affairs have now replaced the EPA and give more protection and extra options. If you already have an EPA and you still have capacity you can either replace it with a Lasting Power of Attorney (property and financial affairs) or keep the existing EPA. You can then make an additional Lasting Power of Attorney relating to your Health and Welfare