



## Lasting Powers of Attorney

It may be common sense that everyone should make a Will, unfortunately what many people do not consider is what would happen if they could no longer manage their own affairs.

Any adult of sound mind can make a Lasting Power of Attorney in which they can appoint an attorney or attorneys to manage their affairs on their behalf.

There are two types of Lasting Powers of Attorney, those which deal with your Property and Affairs and those which deal with your Personal Welfare. We can advise on both types or they can be made by you yourself using the government website: <https://www.gov.uk/power-of-attorney/make-lasting-power>

### Lasting Powers of Attorney - Property & Affairs

This Lasting Power of Attorney allows an individual to appoint their attorney to manage their financial and property affairs. This would, for example, allow the attorney to manage their bank accounts, pay bills and if necessary sell property.

### Lasting Powers of Attorney - Personal Welfare

The attorney under this Lasting Power of Attorney can make decisions on your behalf which could include where you are to live and whether care home accommodation may be appropriate. The attorney can also make decisions about medical treatment and if given the power they can also make decisions regarding life sustaining treatment.

### General information

Both types of Lasting Power of Attorney have common features. The most important point is that, to be effective, both types of Lasting Powers of Attorney must be registered with the Office of the Public Guardian. For those making a Lasting Power of Attorney for their Property and Affairs it is often the case that the document is executed but not registered until actually needed.

When the Lasting Power of Attorney is registered, the Office of the Public Guardian will notify the people you have nominated to receive notification. This is a safeguard to ensure that your attorneys are acting appropriately in registering the Lasting Power of Attorney.

The Lasting Power of Attorney gives the donor (the person making the Lasting Power of Attorney) a degree of freedom as to how it operates. It is possible to appoint more than one attorney, provide guidance to their attorneys and place restrictions on them.

Clearly the attorney has a very important and powerful role and we strongly recommend legal advice is sought before making a Lasting Power of Attorney. If you would like further information or would like to make a Lasting Power of Attorney please let us know.

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