

Lasting Powers of Attorney were introduced on the 1st October 2007. Prior to that date Enduring Powers of Attorney were used. Enduring Powers of Attorney that were entered into prior to 1st October 2007 continue to be effective and follow the rules of the old system.

There are 2 types of Power of Attorney that can be made:

A. **PROPERTY AND AFFAIRS**

This allows your Attorney to deal with matters such as paying bills, managing your bank account and dealing with your property. This document could be used before or after you lack mental capacity.

B. **PERSONAL WELFARE**

This would allow your Attorney to make more personal decisions such as where you live, what you eat and wear and also substantial decisions such as the provision of medical treatment. This document can **only** be used once the donor lacks mental capacity.

Matters to think about before making a Lasting Power of Attorney

You will need to have given some thought to the following matters before you make a Lasting Power of Attorney:

- You can appoint between 1 and 4 Attorneys. If you have more than one Attorney, would you prefer them to both be required to sign everything or would one signature be sufficient
- If any of your proposed Attorneys cannot act for whatever reason, would you like anyone to take their place
- Would you like to place any restriction on when/how your Lasting Power of Attorney can be used
 - eg. Power can only be used once I lack capacity
 - Power can only be used for my welfare and not to make gifts from my funds
- When your Lasting Power of Attorney is registered, would you like anyone else to be notified of this, for example, other family members so that they can object if necessary
- Would you like your Attorneys to be paid a fee for acting on your behalf and, if so, how much and how often
- Who would be the most appropriate person willing and able to sign a Certificate to certify that you understand the nature and effect of the Lasting Power of Attorney and have not been forced into making the document by anyone else

Requirements of an Attorney

Your Attorney should be someone that you trust and who is happy to act for you and able to sign the document. They must be over 18 and not an undischarged or interim bankrupt

Requirements of a Certificate Provider

The person must either:

1. Have known you personally for over 2 years
OR
2. Be a professional such as:
 - Healthcare worker (GP)
 - Social worker
 - Solicitor/Barrister

They must not:

1. Be your Attorney
2. Be a member of yours/your Attorneys family
3. Be a business partner/employee of yours/your Attorneys family
4. Be the owner/employee of the care home in which you or a family member lives

Registration

Your Lasting Power of Attorney must be registered at the Public Guardianship Office before it can be used. This process can take up to 12 weeks and it is therefore advisable to be registered in advance. Registration fees are currently £82.00 for each Personal Welfare and Property and Affairs Lasting Powers of Attorney. You may qualify for an exemption or remission of the Registration fee depending on your financial circumstances.

Details you will need to make a Lasting Power of Attorney

You will need to have the following details to hand:

- Your name, address, telephone number, email address and date of birth
- Attorneys name, address, telephone number, email address and date of birth
- Names and addresses of people you would like to be notified of the registration of your Lasting Power of Attorney
- Names and addresses of possible replacement Attorneys
- Contact details for whom would be willing to act as a Certificate Provider