

Trusted legal expertise since 1886

Our Probate team has many years' experience in dealing with LPAs. Together, we'll give you peace of mind when it matters most.

- Friendly, caring, expert advice and support
- Town centre offices in Halifax, Huddersfield, Brighouse or home visits
- Appointments at a time and place to suit you

You do not have to be elderly to need a Lasting Power of Attorney and everyone should consider having one.

Hayley Meskimmon, Solicitor



We can also help with:

- Wills, trusts and estates
- Divorce and relationship breakdowns
- Mediation
- Children and care proceedings
- Commercial law including buying, selling and investing in a business
- Resolving disputes
- Personal injury
- Employment law matters
- Representation in criminal cases
- Moving home
- Foreign legal documents

Where to find us:

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The quality of our work is approved and monitored by the **Solicitors Regulation Authority** and the **Legal Aid Agency**. We hold their accreditations for the work that we do.



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SOLICITORS



Your step-by-step guide to lasting power of attorney

Trusted legal expertise since 1886

Halifax. Huddersfield. Brighouse.

Why do I need an LPA?

A lasting power of attorney (LPA) is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or to make decisions on your behalf.

This gives you more control over what happens to you if you have an accident or an illness and are no longer able to make your own decisions (you 'lack mental capacity').

You must be 18 or over and have mental capacity (the ability to make your own decisions) when you make your LPA.

There are 2 types of LPA:

- health and welfare
- property and financial affairs

You can choose to make one type or both.

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How to make a lasting power of attorney

First, you should choose your attorney (you can have more than one). Next, we can help you complete the forms to appoint them as an attorney. Finally, this needs to be registered with the Office of the Public Guardian (this can take up to 10 weeks).

You can cancel your LPA if you no longer need it or want to make a new one.



Health and welfare lasting power of attorney

Use this LPA to give an attorney the power to make decisions about things like:

- your daily routine, for example washing dressing and eating
- medical care
- moving into a care home
- life-sustaining treatment

It can only be used when you're unable to make your own decisions.

Property and financial affairs lasting power of attorney

Use this LPA to give an attorney the power to make decisions about money and property for you, for example:

- managing a bank or building society account
- paying bills
- collecting benefits or a pension
- selling your home

It can be used as soon as it's registered, with your permission.

Choosing your attorney

You can choose one or more people to be your attorney. If you appoint more than one, you must decide whether they'll make decisions separately or together. Your attorney needs to be 18 or over. They could be:

- a relative
- a friend
- a professional, for example a solicitor
- your husband, wife or partner

You must appoint someone who has the mental capacity to make their own decisions. Your attorney doesn't need to live in the UK or be a British citizen. When choosing an attorney, think about:

- how well they look after their own affairs, for example their finances
- how well you know them
- if you trust them to make decisions in your best interests
- how happy they will be to make decisions for you

You can't choose someone who is subject to a Debt Relief Order or is bankrupt if you're making a lasting power of attorney (LPA) for property and financial affairs.

If there's more than one attorney

If you're appointing more than one person, you must decide if they'll make decisions:

- Separately or together, this is sometimes called 'jointly and severally' which means they can make decisions alone or with other attorneys.
- 'Jointly', which means all the attorneys have to agree on all decision. This can be problematic if one of your attorneys dies or if they lose capacity themselves.
- You can also choose to let them make some decisions 'jointly', and others 'jointly and severally'.

Replacement attorneys

When you make your LPA you can nominate other people to replace your attorney or attorneys if at some point they can't act on your behalf anymore.