



The ELM Guide to Lasting Powers of Attorney

What is a Lasting Power of Attorney?

Lasting Powers of Attorney, also known as LPAs, are powerful legal documents that grant someone you trust the authority to make decisions on your behalf. They can usually only act when you are no longer able to make decisions due to illness or incapacity, but you can also grant them power whilst you still have capacity if you wish.

The people you choose to act are known as Attorneys, and they must always act in your best interest. You can also decide whether they can act on their own or if they have to act together.

There are 2 different types of LPA that grant different powers:

- Property and Financial Affairs.
- Health and Welfare.



Why are LPAs so important?

Many people assume their loved ones will automatically have the authority to make decisions on their behalf, yet this is often not the case. Your spouse, partner, or children might need a registered LPA to access bank accounts that aren't owned jointly or to even make decisions about your health.

Benefits include:




- **Control Over Your Future:** By creating an LPA, you have control over who makes decisions for you if you become unable to do so yourself.
- **Peace of Mind:** Knowing that you have a plan in place, no matter what happens, can provide peace of mind for you and your loved ones.
- **Avoid Court Proceedings:** Without an LPA, if you lose mental capacity, your loved ones might need to go through costly and time-consuming court proceedings to gain the authority to make decisions on your behalf. This is known as Deputyship.
- **Timely Decision-Making:** An LPA allows for more efficient decision-making in urgent situations, as your appointed Attorneys only need to provide a registered LPA to act.



Which LPA is right for you?





Compare the two different types of LPA and decide which is right for you - you might even want both.

Health and Welfare

-  The power to decide where you live, for example, at home or in care.
-  The power to accept or refuse life-sustaining treatment based on your guidance.
-  The power to manage your daily routines, such as any medicines you take, what you eat, and what you wear.



Property and Financial Affairs

-  The power to buy, sell, or maintain any properties you own.
-  The power to access and manage any of your bank accounts or investments.
-  The power to pay bills on your behalf and collect any pensions or benefits in your name.
-  The power to make gifts or donations on your behalf.



Certificate Provider

A certificate provider is an individual who plays a crucial role in the creation and registration of LPAs. The role of a certificate provider is to ensure that the Donor (the person creating the document) understands the nature and purpose of the LPA and has appointed Attorneys of their own free will, without any undue pressure or influence.

So, who can act as a certificate provider? You can choose an individual that has known you personally for at least two years or someone with relevant professional skills, such as:

- Solicitors or lawyers.
- Medical practitioner.
- Social workers.
- Registered nurses.
- An independent mental capacity advocate.

Your certificate provider must be impartial and not affiliated with you. This means you cannot select your own Attorneys or their family members, your own family members, anyone employed by you, or anyone working in a care home where you reside.

If you are unable to find a certificate provider of your own accord, one of our consultants can provide this service for a fee of £75.

Pricing (all prices include VAT as standard)

- Single LPA £370
- Two LPAs £600
- Four LPAs £1000
- £82 Registration fee per document, made payable directly to the Office of the Public Guardian.

We are here to help

If you have any questions, would like additional guidance or need some support, we're here when you need us.

Call us at:

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