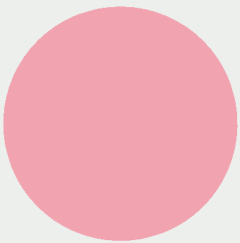


Your Complete Guide to **Lasting Powers of Attorney**

Clear guidance on making and registering a
Power of Attorney



This guide is designed to help you understand the importance of Lasting Powers of Attorney and how JR Levins Solicitors can help you plan for the future. We'll break down legal terminology, answer common questions and provide practical advice.

Setting up a Power of Attorney might be something you've been meaning to do, but haven't gotten around to yet. It can feel like a big step but it's actually quite straightforward, and it gives you peace of mind knowing someone you trust can make decisions for you if you ever need help.

Or perhaps you've heard of Powers of Attorney but aren't sure what they involve or whether you need one. This guide will walk you through the basics and help you decide what's right for you.

Whether you're thinking ahead for your future care, managing your finances, or simply want to make sure your wishes are respected, a Power of Attorney is a valuable part of planning for later life.

In this guide, they may be referred to as a Lasting Power of Attorney (LPA), or a Power of Attorney (PoA), but they all mean the same thing.

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What Is a Lasting Power of Attorney and Why Might I Need One?

A Lasting Power of Attorney is a legal document that lets someone you trust make decisions for you if you're unable to. This could be due to illness, accident, or age related conditions. It's a way to plan ahead and make sure your wishes are respected, even if you can't speak for yourself.

They can be referred to as a Power of Attorney (PoA), or a Lasting Power of Attorney (LPA).

There are two types:

- Property & Financial Affairs - for managing money, bills, and property
- Health & Welfare - for decisions about care, treatment, and living arrangements

Without a Power of Attorney, your loved ones may need to go to court to act on your behalf, which can be costly and stressful.

A Power of Attorney is not just for later life.

Many people put one in place after a diagnosis, a hospital stay, or before a major operation. However, it can be just as important for younger adults if illness or injury affects decision-making unexpectedly.

Who Should I Appoint as My Attorney?

Choose someone you trust completely - often a spouse, adult child, or close friend. They must be over 18 and mentally capable. For financial affairs, they must not be bankrupt.

Think carefully about who is good with decisions, not just who is closest to you. The right attorney should be reliable, calm under pressure and comfortable dealing with paperwork or professionals if needed.

What Does Mental Capacity Mean in Terms of a Power of Attorney?

Mental capacity means being able to make your own decisions and understand the consequences of those decisions.

Mental capacity is assessed based on whether you can:

- Understand the information relevant to a decision
- Retain that information long enough to make the decision
- Weigh up the options
- Communicate your choice (verbally, in writing, or otherwise)

Can I Have More Than One Attorney?

Yes, you can appoint more than one attorney, and many people choose to do this.

For example, you might appoint two of your children, or your spouse and an adult child. It means responsibility is shared, and there is more than one person available to help if needed.

If you appoint more than one attorney, they can act in two ways:

Jointly - this means your attorneys must make all decisions together.

They must all agree and sign everything together. This can work well if you want everyone involved equally, but it can be less flexible if one person is away, unwell, or unable to deal with something quickly.

Jointly and severally - this means your attorneys can make decisions together or separately. For example, one attorney could deal with the bank while another helps with paperwork or speaks to professionals on your behalf. This is often more practical and convenient.

Choosing more than one attorney can offer reassurance.



It is important to think carefully about whether the people you choose will work well together and be able to manage the responsibility.

When Does a Power of Attorney Come Into Effect?

This depends on the type of Lasting Power of Attorney you have made. A Property and Financial Affairs LPA can be used once it has been registered with the Office of the Public Guardian, as long as you are happy for it to be used. This can be helpful if you want support with things like banking, bills or paperwork, even if you still have mental capacity.

A Health and Welfare LPA is different. It can only be used if you lose mental capacity and are no longer able to make those decisions yourself.

Until then, you stay in control. Your attorney only steps in when needed.

Can I Change or Cancel My Power of Attorney?

Yes, you can change or cancel your Power of Attorney, as long as you still have mental capacity.

For example, you may want to remove an attorney, appoint someone else, or cancel the LPA altogether and make a new one. This sometimes happens if family circumstances change, relationships break down, or the person you chose is no longer the right fit.

The process must be done properly, and you will usually need to notify the Office of the Public Guardian as well as your attorney or attorneys. If changes are needed, it is important to get advice so everything is dealt with correctly.



I always thought Powers of Attorney were only for people in care homes. Once it was explained properly, I realised it was simply about making things easier for my family if anything happened.

– Derek, 74

What Happens If I Don't Have a Power of Attorney?

If you lose mental capacity without a Lasting Power of Attorney in place, your family cannot automatically step in and deal with things for you.

Instead, they may need to apply to the Court of Protection to become your deputy. This process can take several months, and it is usually more expensive than putting an LPA in place in advance. There can be court fees, ongoing costs and added stress at an already difficult time.

It also means the choice is no longer yours. The court decides who should act for you, rather than you choosing someone you know and trust.

Can My Attorney Make Decisions About My Health and Care?

Yes, but only if you have made a Health and Welfare Lasting Power of Attorney.

This allows your attorney to be involved in decisions about things such as where you live, your day-to-day care, medical treatment, and whether you move into a care home. You can also choose whether they should have authority to make decisions about life-sustaining treatment.

Many people find comfort in knowing that someone who understands their wishes could speak up for them if needed. You can also include preferences and instructions in the document, so your attorney has clearer guidance if important decisions ever need to be made.

Can I Limit What My Attorney Can Do?

Yes, you can.

A Lasting Power of Attorney can be tailored to suit your wishes. You can include instructions, which are rules your attorney must follow, and preferences, which are more like guidance about what you would like them to do.

For example, you might allow your attorney to deal with your bank accounts and household bills, but not sell your home unless certain circumstances apply.

This can be a very sensible way to keep some boundaries in place. It also helps make sure your attorney understands how you would like things to be handled if they ever need to act for you.

Do I Need a Solicitor to Make a Power of Attorney?

You do not legally have to use a solicitor, but many people find it more reassuring to do so.

The forms need to be completed carefully, and small mistakes can lead to delays or even rejection. People often want legal advice if they are unsure who to appoint, whether to choose more than one attorney, or how to word any instructions and preferences.

A solicitor can also help make sure the document reflects your wishes clearly and has been signed in the correct way.

For many people, the reassurance of knowing everything has been done properly is well worth it.



JR Levins can make the process feel much more straightforward, with clear advice and support from start to finish.

How Long Does It Take to Register a Power of Attorney?

Registering a Lasting Power of Attorney with the Office of the Public Guardian usually takes around 8 to 12 weeks, although this can vary. If there are mistakes in the forms, or if the Office of the Public Guardian is especially busy, it can take longer. That is why it is always best to start the process early, rather than waiting until there is an urgent need. A Power of Attorney is not something most families want to be sorting out during a crisis.

Getting it prepared and registered in good time gives you peace of mind and helps avoid unnecessary delays later on.

Common Questions About Powers of Attorney

Why do I need one if im healthy?

Life is unpredictable. Having a Power of Attorney in place means your loved ones can act quickly and legally if something happens.

Who should I choose as my attorney?

Someone you trust - often a spouse, child, or close friend. You can appoint more than one person and set rules for how they act.

What happens if I don't have one?

Your family will only be able to apply to look after your finances, and not your health and welfare. Applications to the Court of Protection can be costly and time-consuming.

Can I change or cancel it later?

Yes, as long as you still have mental capacity.

Does it give someone total control over my life?

No. You decide what powers they have and when they can use them.

Book your Power of Attorney appointment

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