



LASTING POWER OF ATTORNEY (LPA) FAQs

Q. What is a Lasting Power of Attorney?

A. A Lasting Power of Attorney is a legal document which appoints one or more people as your Attorney(s). The Attorneys can help you make decisions, or they can make decisions on your behalf. There are two types of Lasting Power of Attorney, one for property and financial affairs and the second for health and welfare.

Q. I already have a Will – do I really need a Lasting Power of Attorney?

A. Yes, a Will is only used after your death whereas the Lasting Power of Attorney can only be used while you are still alive.

Q. If I make a Lasting Power of Attorney can I still make my own decisions? When do the Attorneys take over?

A. The answer to this question differs between the type of power you give your Attorney(s). If you make a Lasting Power of Attorney for Health and Welfare your Attorneys are only authorised to make decisions about your health and welfare when you cannot act for yourself because you do not have mental capacity.

This differs from the Lasting Power of Attorney for Property and Financial Affairs as, within this LPA, you can either limit your Attorney(s) to only make decisions when you lack mental capacity, or you can state your Attorney(s) can act as soon as the Lasting Power of Attorney has been registered with the Office of the Public Guardian. This means your Attorney(s) can act with your consent while you are still able to make your own decisions, and if there is ever a time you lack the ability to make your own decisions.

Q. Who can be my Attorney?

A. Anyone over 18 and who has the mental capacity to make their own decisions can be an Attorney. Your Attorney cannot be subject to a Debt Relief Order to bankrupt if you wish to appoint them as your Attorney for Property and Financial Affairs. Your Attorney can be a friend, relative, partner, or professional person. When deciding who to name as your Attorney you should consider how well they look after their own affairs, how well you know them, if you trust them and if you would be happy making decisions for you.

Q. Can I have more than one Attorney?

A. Yes, it is possible to have more than one Attorney. If you do choose more than one Attorney, you can also choose how you will let them make decisions. For example, they must make all decisions together or can act independently from each other for all or some decisions.

Q. Can my Attorney sell my house?

A. Under a Lasting Power of Attorney for Property and Financial Affairs, the Attorney can sell property unless there are restrictions within the Lasting Power to prevent this happening. If you are worried about this, please contact us as we will be happy to discuss this further with you.

Q. Can my Attorney change my Will?

A. No. An Attorney does not have the power or authority to create or change your Will.

We understand that every family is different and that is why our advice will always be tailored to your personal circumstances. If you have any other questions please do not hesitate to contact our expert team.

**CONTACT US ON
01670 512 336**

to make an appointment
with one of our specialist
Private Client team.

This is not legal advice; it is intended to
provide information of general interest
about current legal issues.



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