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Key Considerations When Making a Lasting Power of Attorney

Which Type of LPA Do You Need?
Consider whether you want to make a Property and Financial Affairs LPA, a Health and Welfare LPA, or both.
The two documents deal with different decisions and one does not automatically give your attorneys authority in the areas covered by the other.

Who Do You Trust to Act for You?
Think carefully about who you would trust to make important decisions on your behalf. An attorney must be aged 18 or over and have mental capacity themselves, and could be a relative, friend, partner or professional.
Consider their reliability, ability to manage the responsibilities involved and whether they understand your wishes.

Should You Appoint More Than One Attorney?
You can appoint more than one person. If you do, you need to decide whether they can make decisions independently or whether they must agree some or all decisions together.
Requiring every decision to be made jointly can provide additional oversight, but it may also make everyday or urgent decisions less flexible. The effect of one attorney being unable to continue should also be considered.

Do You Want Replacement Attorneys?
Consider who should step in if one of your original attorneys dies, loses capacity or can no longer act.
Replacement attorneys can provide greater resilience and reduce the risk that your LPA ceases to operate effectively following a change in circumstances.

How Should Financial Decisions Be Managed?

For a Property and Financial Affairs LPA, consider whether you would want your attorneys to assist while you still have capacity or only if you could no longer make the relevant decisions yourself.

A Property and Financial Affairs LPA can, if you choose, allow your attorneys to help after registration while you retain capacity and give them permission to act.

Your Health and Care Preferences

Think about any views you would want your Health and Welfare attorneys to understand. These might concern where you would prefer to live, care arrangements or medical treatment.

You will also need to consider whether your attorneys should have authority in relation to decisions concerning life-sustaining treatment. Health and Welfare attorneys can only act when you cannot make the relevant decision yourself.

Any Business, Property or Investment Interests

If you own a business, investment property, significant investments or other more complex assets, tell your solicitor. Your LPA should be considered in the context of how those interests are managed and whether your chosen attorneys have the appropriate skills and authority.

When Should Your LPAs Be Reviewed?

Consider reviewing your arrangements following significant changes such as the death or ill health of an attorney, marriage, divorce, a breakdown in a relationship or a substantial change in your financial circumstances.

You can cancel an LPA while you retain mental capacity if you no longer want it or decide to replace it with new arrangements.

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