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Re: { MERGEFIELD MATTER MATTER_DESCRIPTION }

A Lasting Power of Attorney gives the power to act on your behalf to another person (or persons) who are called "Attorneys". This power continues if you lose mental capacity. If you were to lose capacity and did not have a Lasting Power of Attorney in place, it would be necessary for someone (usually a relative or close friend) to have to make an expensive and lengthy application to the Court in order to be able to act on your behalf.

There are two types of LPA available to you:

- Health and Care
- Financial

It is possible for you to have either or both LPAs. Anyone over the age of 18 can make an LPA, as long as they understand what they are signing (i.e. they have mental capacity).

A Health and Care LPA allows your attorney(s) to make decisions regarding things such as where you live, what you eat and your medical treatment.

A Financial LPA allows your attorney(s) to deal with all aspects of your finances, including dealing with your bank accounts, paying bills on your behalf and selling your property.

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Obtaining an LPA is simple; a form for each type of LPA must be completed. You should, however, give careful consideration to who you will choose to be your attorney(s). An attorney is usually a family member or close friend, or a professional advisor such as a solicitor or accountant (usually only for Financial LPAs). They should only appoint people who you trust to be your attorney(s). Factors to consider could be how close the person lives to you, whether they have the time and commitment, and if they have the skills necessary to act as an attorney.

You can instruct more than one attorney to act on your behalf. It is also sensible to appoint replacement attorneys in case one of your attorneys cannot act for any reason.

It is possible to instruct more than one attorney in the following way:

- Jointly. If you appoint attorneys to act jointly, they must agree on decisions together. This can sometimes be impractical for day-to-day decisions which must be made. If one of the attorneys cannot act, the LPA will cease to exist unless you have appointed replacement attorneys.
- Jointly and severally. In this case, your attorneys may act together or individually. This can be beneficial for day-to-day decisions, and if one attorney cannot act then the other attorneys can continue to act and the LPA will not cease to exist. Since the attorneys can act independently, this can sometimes result in an attorney acting in a way that the other attorneys do not agree with however you should not appoint an attorney that you would not trust to act alone.
- Jointly for some decisions, and jointly and severally for others. This option allows for day-to-day decisions to be decided by an attorney independently and for more important decisions the attorneys must act together. You must decide which decisions the attorneys must take jointly.

The law imposes limits on what your attorney(s) can do, and it is clear that they must act only in your best interests.

You can also restrict how the attorney(s) can act. For example, you could require them to instruct a financial advisor to help manage your finances, or to submit annual accounts to a person of your choice. You could also specify that you only want to be moved to a residential home if your doctor has expressly confirmed that you are no longer able to live alone. You can also indicate any preferences that you have. This could include asking attorneys to allow you to have a specific diet, for example vegan or to invest your money in investments in line with your morals and beliefs.

When you make an LPA, you can arrange for up to five people to be notified that you are registering your LPA. The purpose of this is to act as a safeguard, so those people can raise any concerns they have at the point of registration.

You must also appoint one Certificate Provider in your application for an LPA. A Certificate Provider is a professional person, such as a solicitor or GP, who has known you for at least two years. This person must be independent to your attorneys, so for example they can't be related to one of your attorneys. The purpose of the Certificate Provider is to confirm that you understand the meaning of the LPA, that you have not been coerced into making the LPA, that there has been no scam or dishonesty when making the LPA and that there is no other reason for concern. This is to further safeguard you.

You or your attorney(s) can register your LPA at any time, however the attorney(s) can only act on your behalf once the LPA has been registered. It is for you to decide whether you want to register the LPA straight away or in the future. The LPA will be registered with the Office of the Public Guardian and there is a fee for doing so.

Once the LPA has been registered, your attorney(s) can only act with your permission in respect of financial matters if you have mental capacity. Once you lose mental capacity, they will be able to act without your permission. With regards to Health and Care, your attorney(s) can only act once you have lost mental capacity.

Yours sincerely/faithfully

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