



Lasting Power of Attorney

A Lasting Power of Attorney is a special document by which someone appoints another person to make decisions and to act on their behalf. The person making the Power is called “The Donor” and the person or people being appointed are called “Attorney(s)”. The appointment is said to be “Lasting” because it continues after the point when the Donor is no longer able to make decisions for themselves.

There are two separate types of Lasting Powers of Attorney:

1. Welfare

The Welfare Lasting Power of Attorney allows the Attorney(s) to make decisions about the Donor’s care and health care. This can mean anything from day to day decisions to making decisions about long term care and, depending on the instructions of the Donor, consent or refusal of life saving treatment.

As these types of decisions are particularly personal, the Attorney(s) can only make choices on behalf of the Donor when the Donor is not able to make that decision for him or herself. The Attorney(s) need to allow the Donor to make as many decisions as possible and to allow the Donor to be included as much as possible in each decision to be made.

2. Property & financial affairs

The Property and Financial Affairs Lasting Power of Attorney allows the Attorney(s) to make decisions about the money and assets of the Donor on the Donor’s behalf. This can include operating a bank account and investments, purchasing or selling property, and making gifts on behalf of the Donor.

Whether you choose one type of Lasting Power of Attorney or the other or you decide to have both, your chosen Attorney(s) can only act after the Lasting Power of Attorney has been registered with the Office of the Public Guardian. As the decisions to be made in each case are quite different you may want to choose different people to be Welfare Attorneys from the people you might choose to be your Property and Financial Affairs Attorneys. In either case being an Attorney is a position of immense trust, so whoever you choose needs to be somebody you know you can trust.

As part of the process for appointing an Attorney of either kind you are able to include specific instructions and guidelines and restrictions as to how they are to act. Even so you are still potentially handing over significant decisions to someone else.

What should I do next?

The statutory forms and the procedure is quite complex and there are a number of variations within each Lasting Power that you need to be aware of when making these decisions. If you would like more information or advice, or if you would like to begin the process of drafting a Lasting Power of Attorney application, with the view to registering this Power, please contact Charles Neal, Partner, Bell & Buxton on 0114 220 2169 or c.neal@bellbuxton.co.uk

Other Services we offer

Lasting Power of Attorney work is just one of the Personal Legal Services offered by Bell & Buxton Solicitors.

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For all Personal Legal matters, please contact Charles Neal, Partner, on 0114 220 2169 or email c.neal@bellbuxton.co.uk



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