

# Powers of attorney

✦ Our step by step guide



**TFS**

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# Powers of attorney

## ✦ Including lasting powers of attorney

A Power of Attorney is a document by which one person ('Donor') gives another person ('Attorney') the power to act on his or her behalf in his or her name. Such a power may be completely general, entitling the Attorney to do almost everything the Donor could do himself or it may be limited to certain defined objects. The practical purpose of a Power of Attorney is not only to provide the Attorney with power to act for the Donor but also to provide him with a document defining the extent of his or her authority, which the Attorney can then produce as evidence to third parties with whom he is to deal on behalf of the Donor. An ordinary Power of Attorney will come to an end in circumstances where the Donor becomes mentally incapable of handling his or her affairs however a Lasting Power of Attorney ('LPA') is a Power of Attorney which, subject to certain conditions and safeguards continues in force after the Donor becomes mentally incapable of handling his or her affairs, thus enabling their appointed Attorney to continue to act on their behalf.

✦ There are two types of LPA, one dealing with financial affairs and the other with health and welfare issues. These types of Powers of Attorney can be put in place as a safeguard in case physical infirmity or failing mental capacity become an issue in the future.

The execution and registration of an LPA is very important and requires considerable care. In its absence, where mental capacity has been lost, a Court of Protection Deputyship Application will probably be necessary which would involve the interference of the Court in your private affairs and increased costs. If you execute a LPA, it does not necessarily mean that you will be unable to control your own affairs. You are still free to continue to deal with matters yourself for as long as you feel able and are willing to do so. Subject to complying with the requirements of the Office of the Public Guardian, you can cancel or change the Power at any time while you still retain sufficient mental capacity.

✦ If you wish we can act as your Attorney, particularly if your affairs are complex, or if there is not another obvious person to trust with the administration of your financial affairs. Under the terms of a personal welfare LPA the Attorney appointed in this document can make decisions relating to the Donor's living accommodation and care, consenting to or refusing medical treatment on behalf of the Donor and on day to day matters such as diet and dress.

The information in this leaflet can do no more than set out guidelines. You should not rely upon any of the matters stated and Thomas Flavell & Sons accepts no liability should you choose to do so.

For full advice or further information on this or any other related matters please contact our wills and probate team on 01455 610747 or email us at [law@thomasflavell.co.uk](mailto:law@thomasflavell.co.uk)