

Everything you ever wanted to know about LPAs (but were afraid to ask)

A plain-English guide to Lasting Power of Attorney in England and Wales, written from real experience to help you avoid mistakes, delays and unnecessary legal costs.

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About the author

Matt Cresswell is the founder of **Power of Attorney Online**, a service built to make setting up a Lasting Power of Attorney simpler, clearer and more affordable. Inspired by his own experience supporting his father through a dementia diagnosis, Matt saw first-hand how confusing and stressful the Lasting Power of Attorney (LPA) process could be.

Motivated by that experience, he's on a mission to remove the friction from life's most important admin and create a better way: one that puts people first, avoids unnecessary complexity and helps families take action before it's too late. Matt believes everyone should be able to plan ahead with confidence, without needing to be an expert or spend a fortune.

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What's a Lasting Power of Attorney?

Find answers to your most pressing questions about Lasting Power of Attorney. From what an LPA is to how it works, this guide breaks down everything you need to know in simple, clear terms.



What's a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) is a crucial legal document that ensures your wishes are honoured if you ever find yourself unable to make decisions for yourself.

By setting up an LPA, you're choosing someone you trust (a family member, close friend, or even a professional) to step in and make decisions on your behalf if you lose the ability to do so. This person, known as your 'LPA attorney,' will be legally empowered to act in your best interests, whether it's managing your finances, making healthcare decisions, or looking after your day-to-day welfare.

How much does a solicitor charge for Lasting Power of Attorney?

The cost of having a solicitor prepare your Lasting Power of Attorney (LPA) can vary quite a bit. Typically, you might be looking at £1,000+, depending on the complexity of your situation and the solicitor's fees.

They're typically more expensive (no low fixed fee & likely additional costs, with many solicitors charging extra for consultations, admin, and revisions, all adding to the cost), slower (you may have to wait weeks for a solicitor's availability & solicitor-led processes often involve back-and-forth emails and meetings) & harder (solicitors may overcomplicate things, making the process feel intimidating & you'll likely need in-person meetings, adding hassle and time.) than using a service like [PowerofAttorneyOnline.co.uk](https://www.powerofattorneyonline.co.uk). Keep in mind, this is in addition to the £82 per application fee that the government charges to register each LPA.

How much does Lasting Power of Attorney cost?

At **PowerofAttorneyOnline.co.uk**, we charge £99 per document to help you complete both your Health & Welfare and Property & Finance Lasting Power of Attorney (LPA) forms.

This is cheaper (many solicitors charge £1,000+ per LPA, while **PowerOfAttorneyOnline.co.uk** offers a low-cost fixed fee), quicker (unlike a solicitor, you can start your application immediately online, get it done in as little as 15 minutes with easy-to-follow instructions & reduce delays caused by mistakes that can slow down registration) & easier than going through a traditional solicitor (the process is designed to be clear and stress-free, including support along the way without the hassle of back-and-forth meetings & no need to travel to an office; do it from the comfort of your home).

On top of that, there's a government fee of £92 per application to register each LPA. However, if you're on means-tested benefits, this registration fee is waived. If you earn under £12,000 a year, you qualify for a 50% discount, bringing the fee down to £41.

What are the different types of Lasting Power of Attorney?

There are two main types of LPAs, and you can set up one or both, depending on your needs. PowerofAttorneyOnline.co.uk offers an application service for both:

1. Health and Welfare Lasting Power of

Attorney: This type of LPA gives your LPA attorney the authority to make decisions about your personal health and welfare. This includes everything from your daily routine, like what you eat or how you dress, to more significant decisions like what medical treatments you should receive or where you should live.

However, this type of LPA only comes into play when you're no longer capable of making these decisions yourself. Until that point, you remain fully in charge of your own healthcare decisions.

2. Finance and Property Lasting Power of

Attorney: This LPA covers all the financial aspects of your life. Your LPA attorney will be able to manage your bank accounts, pay your bills, collect your benefits or pension, and even buy or sell property on your behalf. You have the flexibility to decide when this LPA takes effect. You can allow your LPA attorney to start managing your finances immediately with your permission, or you can choose for it to kick in only if you lose the capacity to make those decisions yourself.

Having both LPAs in place can bring significant peace of mind, knowing that if life takes an unexpected turn, someone you trust will be there to make sure things are handled the way you would want.

How do I prove I have Lasting Power of Attorney?

To prove you have Lasting Power of Attorney, you'll need to show the official registered document that you received from the Office of the Public Guardian (OPG). When you register the LPA, the OPG sends you a stamped, certified copy of the document. This is your proof of authority.

Whenever you need to act on behalf of the person who granted you the power, you'll present this certified copy to the relevant organisations, like banks, healthcare providers, or government offices. Some organisations might ask for a certified copy of the LPA, so it's a good idea to have a few on hand.

Can a Lasting Power of Attorney be revoked?

Yes, a Lasting Power of Attorney can be revoked, and it's actually a pretty simple process.

The person who granted the Power of Attorney, known as the 'LPA donor,' can revoke it at any time as long as they still have mental capacity. To do this, they'll need to send a written notice to the LPA attorney stating that the Lasting Power of Attorney is revoked. It's also wise to inform anyone else who might be relying on that LPA, like banks or healthcare providers, so they know the LPA attorney no longer has authority. The LPA donor should also inform the the Office of the Public Guardian in writing.

How to change a Lasting Power of Attorney?

If you need to change who your LPA attorney is, you can do so, but it involves a bit of paperwork. First, you'll need to revoke the existing LPA, which, as mentioned, is done by the LPA donor (the person who created the LPA) if they still have mental capacity. Once that's done, you can set up a new LPA with the changes you want, whether it's appointing a new LPA attorney or updating other details. The new LPA will need to be registered with the Office of the Public Guardian, just like the original one.

Remember, if the LPA donor has already lost mental capacity, it becomes more complex to change an LPA attorney, often requiring a court decision.

Can a Lasting Power of Attorney change a will?

No, a Lasting Power of Attorney does not have the authority to change a will.

The role of an LPA attorney under an LPA is to make decisions on behalf of the LPA donor based on their current wishes and best interests, not to alter their final wishes as expressed in a will. Changing a will is something only the person who made the will (the testator) can do, and they must have the mental capacity to do so.

If someone suspects that a will needs changing due to unforeseen circumstances and the testator lacks capacity, they'd need to seek legal advice, and it may require a decision from the court.

Does a Lasting Power of Attorney end at death?

Yes, a Lasting Power of Attorney automatically ends when the person who granted it, known as the LPA donor, passes away.

At that point, the authority of the LPA attorney ends, and the responsibility for managing the LPA donor's affairs typically passes to the executor of the will or, if there's no will, to the administrator appointed by the probate court. The LPA attorney is no longer allowed to make decisions or manage the LPA donor's finances or property after death.

What's an LPA Donor?

Discover clear answers to common questions about donors in Lasting Power of Attorney. Learn who donors are, their responsibilities, and key considerations when setting up an LPA.



What is an LPA Donor for a Lasting Power of Attorney?

The 'LPA donor' is the person appointing other people to make decisions on their behalf.

The LPA donor:

- Must be 18 or over
- Must be able to make their own decisions at the time their LPA is made. This is known as having mental capacity

Only the LPA donor can make decisions about their LPA and the people involved.

It's OK for the LPA donor to get help making their LPA. Many LPA donors talk to family, friends, or a legal adviser. However, the LPA donor must make their own decisions about their LPA. For example, no one else should choose the LPA donor's attorneys for them.

Does the LPA Donor need to list other names in the Lasting Power of Attorney?

If the LPA donor uses more than one name or used to be known by a different or maiden name, include a list of these names in the 'LPA donor details' section of the LPA. This will help LPA attorneys deal with banks and other organisations on the LPA donor's behalf.

How old does an LPA Donor need to be for a Lasting Power of Attorney?

An LPA donor must be at least 18 years old.

Can the LPA Donor be bankrupt or subject to a Debt Relief Order?

There are rules about bankruptcy and debt relief orders (DROs) for a property and financial affairs LPA. If the LPA donor is bankrupt or subject to a DRO, they can make, sign, and register a property and financial affairs LPA. However, their attorneys will not have power over all the LPA donor's property.

The LPA donor should think about getting legal advice before they make an LPA. The LPA will be cancelled if the LPA donor becomes bankrupt or subject to a DRO after their property and financial affairs LPA is made or registered. Bankruptcy and DROs do not affect a health and welfare LPA.

Can the LPA Donor live outside England and Wales, or have property outside England and Wales?

The LPA donor should think about getting legal advice on making an LPA if:

- The LPA donor lives outside England and Wales
- The LPA donor has property outside England and Wales
- The LPA donor is planning to move away from England and Wales
- There are other reasons why where the LPA donor lives could cause complications

What's mental capacity?

Mental capacity is all about your ability to make your own decisions. It's more than just understanding information; it's about being able to process that information, weigh up the options, and communicate your choices.

Most of us take this ability for granted, but there are situations where it can be compromised. For instance, mental capacity can be affected by an illness like dementia, a serious accident, or even a temporary condition like delirium or a severe mental health issue.

When someone loses mental capacity, they might not be able to fully grasp the consequences of a decision, which is why having an LPA in place is so important.

Who decides if the LPA Donor has mental capacity?

The ability to make decisions is legally defined by the Mental Capacity Act of 2005. This Act sets out the criteria for assessing whether someone has the mental capacity to make a particular decision at a particular time. According to the Act, you might be considered to lack capacity if you can't:

- **Understand the Information:** You need to grasp what's involved in the decision, including any possible outcomes.
- **Retain the Information:** You should be able to remember the information long enough to make the decision, even if you can only hold onto it for a short time.

- **Use or Weigh Up the Information:** This is about being able to compare the pros and cons, and understand the risks and benefits, to make a balanced decision.
- **Communicate Your Decision:** Even if you can't speak, you should be able to communicate your decision in some way—whether that's through sign language, writing, or even simple gestures.

If you struggle with any of these steps, you may be considered to lack mental capacity, and that's where your chosen LPA attorney steps in to help.

What's an LPA Attorney?

Get clear answers to frequently asked questions about attorneys in Lasting Power of Attorney. Understand their roles, responsibilities, and how to choose the right attorney to ensure your wishes are protected and followed.



What is an LPA Attorney?

LPA attorneys are people the LPA donor appoints to make decisions on their behalf.

- A LPA donor can have 1 or more attorneys
- LPA attorneys must be 18 or over
- LPA attorneys must have mental capacity (the ability to make decisions)

The most important thing is that the LPA attorneys are people the LPA donor can trust to respect their wishes and act in their best interests.

When they make a Lasting Power of Attorney, the LPA donor chooses one or more trusted people to make decisions ('act') on their behalf. These people are called LPA attorneys.

The LPA donor must choose at least one LPA attorney. They can have as many LPA attorneys as they want, but if there are too many, it may be difficult for them to all work together.

When making decisions for the LPA donor, the LPA attorneys must always:

- Act in the LPA donor's best interests
- Follow any instructions the LPA donor put in their Lasting Power of Attorney
- Consider any preferences the LPA donor put in their Lasting Power of Attorney

LPA attorneys need to sign the Lasting Power of Attorney before it can be registered.

Who can be an LPA Attorney?

The LPA donor can ask anyone aged 18 or over who has mental capacity to be their LPA attorney.

A person on the Disclosure and Barring Service barred list cannot act as an LPA attorney. They're breaking the law if they do.

An undischarged bankrupt or a person subject to a debt relief order cannot be an LPA attorney for a property and financial affairs Lasting Power of Attorney.

How should I choose an LPA Attorney?

The LPA donor should choose people they trust and know well. Many LPA donors choose family members or close friends to be their LPA attorneys. LPA attorneys do not need to be solicitors or have a legal background.

The LPA donor must decide:

- Who they want to appoint as their LPA attorney or attorneys
- Whether they want any replacement LPA attorney (these are people who step in if one of the original LPA attorneys can no longer act)
- How they want their LPA attorneys to work together

It's important that:

- The LPA attorneys understand the LPA donor's beliefs and preferences well enough to make decisions for the LPA donor
- The LPA donor trusts their LPA attorneys to act in their best interests
- The LPA attorneys have the skills to act under the Lasting Power of Attorney. For example, do they manage their own affairs well? Are they good with money?

The LPA donor should fully discuss the Lasting Power of Attorney with their potential LPA attorneys before appointing them. Being an LPA attorney can be a lot of work.

Each LPA Attorney Must:

- Understand the role and responsibilities of an LPA attorney
- Agree to be the LPA donor's attorney
- Sign the Lasting Power of Attorney
- Follow the Mental Capacity Act Code of Practice

What Decisions can an Attorney make for a Health and Welfare Lasting Power of Attorney?

The LPA donor chooses people they trust (LPA attorneys) to make decisions about things such as:

- Giving or refusing consent to particular types of health care, including medical treatment
- Getting help and support from social services
- Where the LPA donor lives – for example, whether the donor stays in their own home or moves into a care home
- Finding a good care home or care providers
- Day-to-day matters like the donor's diet, dress, or daily routine

A health and welfare LPA attorney might need to spend the donor's money on things that maintain or improve the donor's quality of life. This can include:

- Hairdressing or new clothes
- Decorating the donor's home or room in a care home
- Paying for extra support so the LPA donor can go out more, for example, to visit relatives or to go on holiday

The LPA attorney must ask for money from the person in charge of the LPA donor's funds. In some cases, the same person may be an LPA attorney on both the LPA donor's financial and property affairs LPA and health and welfare LPA.

When can a Health and Welfare LPA be used?

This type of LPA can only be used after it's been registered and if the LPA donor does not have the mental capacity to make decisions.

What is Life-Sustaining Treatment?

‘Life-sustaining treatment’ is medical treatment needed to keep someone alive. In their LPA, the LPA donor must choose whether their attorneys can give or refuse consent to life-sustaining treatment on their behalf.

What is an Advance Decision to Refuse Treatment?

An advance decision is a legally binding written statement. It lets someone say what medical treatment they do not want to have in certain situations. It’s sometimes called a ‘living will’. If the LPA donor already has an advance decision, and then makes a health and welfare LPA, the LPA might take priority when a decision needs to be made about life-sustaining treatment.

What Decisions can an Attorney make for a Property and Finance Lasting Power of Attorney?

As a property and financial affairs LPA attorney, your role involves making decisions or helping the LPA donor make decisions about various financial matters. This could include:

- Managing money, taxes, and bills
- Handling bank and building society accounts
- Overseeing property and investments
- Taking care of pensions and benefits

You can start making these decisions while the LPA donor still has mental capacity if two conditions are met:

1. The Lasting Power of Attorney (LPA) document explicitly says you can.
2. The LPA donor gives you permission to act.

If those conditions aren't met, you'll only step in to make decisions when the LPA donor no longer has the mental capacity to do so.

You're allowed to use the LPA donor's money to take care of their home and cover day-to-day needs like food and household expenses.

When your decisions impact the LPA donor's living arrangements, medical care, or daily routine, it's important to discuss these matters with their health and welfare LPA attorney (if they have one) to ensure everyone's on the same page.

How should an LPA Attorney look after Money and Property?

It's essential to keep the LPA donor's finances completely separate from your own, unless you already share something like a joint bank account or jointly own a home with them.

How should an LPA Attorney manage a Donor's Money and Accounts?

When dealing with banks, utility companies, or pension providers, they'll ask for proof that you're an LPA attorney. The LPA document serves as this proof. In some cases, you might also need to provide additional information, such as:

- Your name, address, and date of birth
- The donor's name or address
- Account numbers or other specific details

How should an LPA Attorney spend money on Gifts or Donations?

Unless the LPA states otherwise, you're allowed to spend the LPA donor's money on:

- Gifts for friends, family members, or acquaintances on special occasions like birthdays or anniversaries
- Donations to charities that the LPA donor would likely support, especially ones they've donated to in the past

For any other type of gift or donation, like paying someone's school fees, letting someone live in the donor's property rent-free, or giving out interest-free loans, you'll need to get approval from the Court of Protection, even if the LPA donor has

Before making any gift or donation, you must ensure the LPA donor can afford it. For instance, you shouldn't use the LPA donor's money in a way that would leave them unable to cover their own care costs.

How should an LPA Attorney Buy and Sell Property?

You'll need to seek legal advice if you're:

- Selling the property for less than its market value
- Looking to buy the property yourself
- Planning to transfer the property to someone else

How can an LPA Attorney make a Will?

If the LPA donor needs to make a will but can't do it themselves, you can apply for what's known as a statutory will. However, you cannot change the LPA donor's existing will.

What is a professional Attorney for Lasting Power of Attorney?

Some LPA donors ask a professional, such as a solicitor or accountant, to be their LPA attorney or one of their LPA attorneys.

Professional LPA attorneys usually charge fees. If the LPA donor appoints a professional LPA attorney, they must name an individual in the LPA. They cannot just give a job title or the name of a firm.

Can a LPA Donor appoint their wife, husband or civil partner as an Attorney?

The LPA donor can appoint their wife, husband, or civil partner as an attorney.

This person will usually have to stop being an LPA attorney if the marriage or civil partnership is later ended through divorce, dissolution, or annulment. If they're the only LPA attorney and there are no replacements, this means the LPA can no longer be used.

In their instructions, the LPA donor can state that their wife, husband, or civil partner can continue to be their LPA attorney after a divorce, dissolution, or annulment.

What should I know before I start acting as an Attorney?

Before you take on the role of an LPA attorney, it's a good idea to have a conversation with the LPA donor (the person who appointed you). Get a clear understanding of their wishes, like how they want their money managed or what kind of care they'd prefer if they become seriously ill. This will help you make decisions that truly reflect what they want.

Make sure the LPA (Lasting Power of Attorney) is registered before you do anything. You can't act as an LPA attorney until it's officially registered, and this process can take up to 16 weeks. You'll know it's registered when you see the 'validated-OPG' stamp on the document.

What should I know after I start acting as an Attorney?

Once you're officially acting as an LPA attorney, there are some important things to keep in mind:

- Follow the Instructions: Stick to any specific instructions the LPA donor included in the LPA.
- Consider their preferences: Take into account any preferences the LPA donor mentioned in the LPA, even if they're not strict instructions.
- Support their decision making: Help the LPA donor make their own decisions as much as possible.
- Act in their best Interests: Every decision you make should be in the LPA donor's best interests, respecting their human and civil rights.
- Make decisions yourself: You're the one responsible for making decisions, so you can't delegate that responsibility to someone else.

If you ever face tough decisions, don't hesitate to seek advice on how to proceed. Remember, your

decisions as an LPA attorney can be reviewed or checked.

What if you're not the only LPA Attorney?

If there are other LPA attorneys involved, check the LPA to see how you're supposed to make decisions:

- 'Jointly': This means all LPA attorneys must agree on a decision.
- 'Jointly and Severally': This means you can make decisions together with the other LPA attorneys or on your own.

The LPA might also specify that some decisions need to be made jointly, while others can be made jointly and severally. Also, double-check the specific decisions you're allowed to make and when you can start acting in your role, depending on whether you're a:

- Property and Financial Affairs Attorney
- Health and Welfare Attorney

What should I do if I want to stop acting as an LPA Attorney?

When the LPA donor (the person who appointed you as their LPA attorney) passes away, the Lasting Power of Attorney (LPA) automatically ends. It's important to notify the Office of the Public Guardian (OPG) about the donor's death.

If you decide you no longer want to act as an LPA attorney, you can step down from your role, which is often called 'disclaiming' your attorneyship. There are also situations where the law requires you to stop acting as an LPA attorney.

If there are any replacement LPA attorneys named in the LPA, they will take over your responsibilities. If no replacements are named, there might be other legal options to help the donor make decisions.

What To Do If You Choose to Stop?

If you decide to stop acting as an LPA attorney, you'll need to fill out and send a notification form to:

- The LPA donor, if the LPA hasn't been registered yet
- The LPA donor and the OPG (using the address on the form), if the LPA is registered
- Any other LPA attorneys listed on the LPA

When must I stop acting as an LPA Attorney?

You're required to stop acting as an LPA attorney in the following situations:

- The LPA donor removes you from the LPA (this is called 'revoking' your attorneyship).
- You lose your own mental capacity and can no longer make decisions.
- If you're a property and financial affairs attorney and you become bankrupt or are subject to a debt relief order.
- If you're married to or in a civil partnership with the donor and you get divorced or your partnership is annulled (unless the LPA specifies that you can continue as an attorney).
- If you're acting as a joint LPA attorney and one of the other LPA attorneys stops acting, unless the LPA allows you to continue making decisions on your own.

What happens when LPA Attorneys can no longer act?

An LPA attorney can no longer act if they:

- Lose mental capacity
- Decide they no longer want to act as an LPA attorney (known as 'disclaiming their appointment')
- Were the LPA donor's wife, husband, or civil partner, but the relationship has legally ended (unless the LPA donor states otherwise in their instructions)
- Become bankrupt or subject to a debt relief order and were an LPA attorney for a property and financial affairs LPA
- Are placed on the Disclosure and Barring Service

When an attorney dies or can no longer act, the LPA will be cancelled if:

- The LPA donor only appointed one LPA attorney and no replacement LPA attorneys
- The LPA donor appointed the LPA attorneys jointly and did not appoint any replacements, unless the LPA donor specified otherwise in their instructions

To protect their LPA, the LPA donor should consider appointing replacement LPA attorneys.

If the LPA donor cancels their LPA, the LPA attorneys can no longer act on the LPA donor's behalf.

What happens if an LPA Attorney is placed on the Disclosure and Barring Service barred list?

If an LPA attorney on any type of LPA is placed on the Disclosure and Barring Service barred list, they'll no longer be able to act as an LPA attorney.

They're breaking the law if they do. If they're the only LPA attorney and there are no replacements, this means the LPA can no longer be used.

What happens if an LPA Attorney becomes bankrupt or subject to a Debt Relief Order?

If an LPA attorney on a property and financial affairs LPA becomes bankrupt or subject to a debt relief order after the LPA is registered, they'll no longer be able to act.

If they're the only LPA attorney and there are no replacements, this means the LPA can no longer be used. People who are bankrupt or subject to a debt relief order can still be LPA attorneys on a health and welfare LPA.

Should I choose more than one LPA attorney?

It can be a good idea to appoint more than one attorney for your Lasting Power of Attorney (LPA). Appointing multiple LPA attorneys can provide greater flexibility and oversight. They can either make decisions together (jointly) or individually (jointly and severally), depending on how you set up the LPA.

Having more than one LPA attorney can also help ensure that decisions are made in your best interest, with your LPA attorneys consulting each other and sharing responsibilities. It's important to choose people who communicate well and can work together effectively.

What are LPA Replacement Attorneys?

Learn about replacement attorneys in Lasting Power of Attorney. Discover their purpose, when they step in, and how to appoint them to ensure your wishes are always safeguarded, even if circumstances change.



What is a Replacement LPA Attorney?

Replacement LPA attorneys are people the LPA donor chooses to step in if one of their original LPA attorneys can no longer act. They need to sign the LPA before it can be registered.

You don't have to appoint replacement LPA attorneys, but having them helps protect the LPA. It means the LPA should still work if an original attorney can no longer act.

Without replacements:

- If there's only one LPA attorney and that LPA attorney can no longer act, the LPA will stop working.
- If the donor appointed their LPA attorneys to act jointly and one LPA attorney can no longer act, the LPA will stop working unless the LPA donor has stated otherwise in their instructions.

- If the donor appointed their LPA attorneys to act jointly for some decisions, and one LPA attorney can no longer act, those joint decisions can no longer be made, unless the LPA donor has stated otherwise in their instructions.

If the LPA cannot be used and the LPA donor no longer has mental capacity, someone will have to apply to the Court of Protection to get the power to act on the LPA donor's behalf. This can be expensive and usually takes a long time.

Who can be a Replacement LPA Attorney?

A replacement LPA attorney must meet the same requirements as an original LPA attorney. This includes having mental capacity and being 18 or over when the LPA donor signs the LPA.

The LPA donor should choose their replacements as carefully as they choose their original LPA attorneys.

When do Replacement LPA Attorneys step in?

Replacement LPA attorneys step in if one of the attorneys can no longer act. This may be because the attorney:

- Dies
- Loses mental capacity
- Decides they no longer want to act as an LPA attorney (known as 'disclaiming their appointment')
- Was the LPA donor's wife, husband, or civil partner, but the relationship has legally ended and the LPA donor has not stated in their instructions that their ex-partner can continue as an LPA attorney in these circumstances
- Becomes bankrupt or subject to a debt relief order (for a property and financial affairs LPA)

How does a Donor replace LPA Attorneys who act Jointly and Severally?

When there are replacement LPA attorneys, if an original LPA attorney dies or can no longer act:

- All the replacement LPA attorneys will step in together, unless the LPA donor has stated otherwise in their instructions.
- The replacement LPA attorneys and any remaining original LPA attorneys can then make decisions 'jointly and severally'.

How does a Donor change how and when a Replacement Attorney steps in?

When the original LPA attorneys are appointed to act jointly and severally, the LPA donor can add instructions to specify the order in which their replacements can step in. This is optional.

Examples:

- “If one of my LPA attorneys (my mother and father) can no longer act, I would like that LPA attorney to be replaced by my sister, who is one of my LPA replacement attorneys. If later on my other parent can no longer act, I would like my other replacement LPA attorney, my brother, to step in to replace that person as my LPA attorney.”
- “If my LPA attorney David John Smith becomes unable to act under this LPA, I want replacement LPA attorney Jane Claire Hall to step in and act in his place.”

How does a Donor replace LPA Attorneys who act Jointly?

Replacement LPA attorneys are an important backup when LPA attorneys are appointed to act jointly. When there are replacement attorneys, if an original attorney dies or can no longer act:

- All the replacement LPA attorneys will replace all the original LPA attorneys.
- The remaining original LPA attorneys will not be able to make any decisions on the LPA donor's behalf anymore.

How does a Donor change what happens when an LPA Attorney dies or is unable to act?

If the original LPA attorneys are appointed jointly, the LPA donor can add instructions to change what happens when an original LPA attorney dies or is unable or unwilling to act.

How does a Donor replace LPA Attorneys who act jointly for some decisions?

Replacement LPA attorneys are an important backup when LPA attorneys are appointed to act jointly for some decisions, and jointly and severally for others. When there are replacement LPA attorneys, if an LPA attorney dies or can no longer act:

- All the LPA replacement attorneys step in and take over making the joint decisions.
- The remaining original LPA attorneys will not be able to make the joint decisions anymore.
- The replacement and remaining original LPA attorneys can make all other decisions individually.

What are LPA Preferences & Instructions?

Find answers to common questions about preferences and instructions in Lasting Power of Attorney.

Understand how to clearly express your wishes and provide guidance for your attorneys, ensuring your decisions are respected and carried out as intended.

Do I need to write any Preferences and Instructions?

You don't have to write any Preferences and Instructions in your Lasting Power of Attorney (LPA), but it can be helpful if you want to guide or limit your attorney's decisions.

Here's the difference:

- Preferences are non-binding wishes. Your attorney should consider these, but they don't have to follow them. Example: "I'd prefer to stay in my own home as long as possible."
- Instructions are legally binding directions. Your attorney must follow these. If they're unclear or unworkable, the Office of the Public Guardian (OPG) might reject your application. Example: "My attorney must not sell my home unless two doctors confirm I can no longer live there."

What are common mistakes when writing Preferences and Instructions?

A common mistake is including conditions or instructions that are legally invalid. For example, you can't instruct your attorney to assist with suicide or criminal activity, follow the decision of someone else who isn't an attorney or put instructions in a property and finance LPA that relate to health and welfare and vice versa, although there is sometimes overlap.

If you include provisions like these, some or all of the Lasting Power of Attorney could need amending, and you'd be left without provision for managing your affairs in the meantime. It's important to make sure everything is done properly and in a legally binding way.

What are examples of Preferences on your Health and Welfare Lasting Power of Attorney?

Preferences in a Health and Welfare Lasting Power of Attorney (LPA) are things the LPA donor would like, but they aren't legally binding. For example, preferences could be things like wanting to live near family or friends, getting regular haircuts or manicures, exercising a few times a week, or donating to charity.

What are examples of Instructions on your Health and Welfare Lasting Power of Attorney?

Instructions in a Health and Welfare Lasting Power of Attorney (LPA) are a bit more serious. They're mandatory and have to be followed. These might be things like not moving into a care home unless a doctor says it's necessary, only eating vegan food, refusing blood transfusions, or continuing certain investments.

What are examples of Preferences on your Property and Finance Lasting Power of Attorney?

Preferences in a Property and Finance Lasting Power of Attorney (LPA) are things the LPA donor would like, but they aren't legally binding.

For example, preferences could be things like preferring certain types of investment, maintaining a certain balance in your bank account, or reinvesting any interest you earn the following year.

What are examples of Instructions on your Property and Finance Lasting Power of Attorney?

Instructions in a Property and Finance Lasting Power of Attorney (LPA) are a bit more serious. They're mandatory and have to be followed.

These might be things like specifying certain steps are taken if an investment exceeds a certain threshold, not selling your home unless a doctor has said you can't live independently, or advising your attorneys they're not allowed to make certain types of gifts on your behalf.

What's an LPA Certificate Provider?

Explore answers to frequently asked questions about certificate providers in Lasting Power of Attorney.

Learn their role, who can act as a certificate provider, and why they're essential in ensuring your LPA is valid and trustworthy.

What's an LPA Certificate Provider?

An LPA needs a LPA certificate provider, who must sign the LPA.

The LPA certificate provider is an impartial person who helps protect the LPA donor's interests by ensuring the donor understands the LPA and is making it of their own free will.

What's the LPA Certificate Provider's role?

The LPA certificate provider must discuss the LPA with the LPA donor. It's best for this discussion to happen in private, without the LPA attorneys or anyone else present.

The LPA certificate provider signs the LPA to certify that they have discussed it with the LPA donor and that:

- The LPA donor understands the significance of their LPA.
- No one is putting the LPA donor under pressure to make the LPA.
- There has been no fraud involved in making the LPA.
- There is no other reason for concern.

The LPA donor must sign the LPA before the LPA certificate provider. The LPA certificate provider can also witness the LPA donor's signature.

Who can be an LPA Certificate Provider?

The certificate provider must be 18 years old or over and have mental capacity. They can be either:

- Someone who has known the LPA donor personally for at least 2 years, such as a friend or neighbour (but not a relative).
- Someone with relevant professional skills, such as the LPA donor's GP or solicitor.

This could be one of the LPA donor's friends or neighbours, someone they know at a social or sports club, a work colleague, or similar. The LPA certificate provider must be more than an acquaintance. They have to know the LPA donor well enough to have an honest conversation with them about the LPA and the power the LPA donor is giving to their attorneys.

Who is someone with Relevant Professional Skills?

Usually, someone with relevant professional skills would be one of the following:

- A registered healthcare professional, such as the donor's GP.
- A solicitor, barrister, or advocate.
- A registered social worker.
- An independent mental capacity advocate (IMCA).

Other professionals may have skills that allow them to judge whether the LPA donor can make an LPA. Contact the Office of the Public Guardian if you're not sure about the LPA donor's choice of LPA certificate provider. If you choose a professional, they may charge you a fee.

Who can't be the LPA certificate provider?

The LPA certificate provider cannot be:

- Any LPA attorney or LPA replacement attorney for this or any other LPA or enduring power of attorney that the donor has made.
- A member of the LPA donor's family or of any of the LPA attorneys' families, including husbands, wives, civil partners, in-laws, and step-relations.
- An unmarried partner, boyfriend, or girlfriend of the LPA donor or any of the LPA attorneys.
- The LPA donor's business partner or any LPA attorney's business partner.
- The LPA donor's employee or any LPA attorney's employee.
- Anyone running or working for a care home where the LPA donor lives, or a member of their family.
- Anyone running or working for a trust corporation appointed as an LPA attorney in this LPA.
- The LPA donor.
- Any other person the Court of Protection may consider is not sufficiently independent.

What's an LPA Person to Notify?

Get answers to common questions about notifying people in Lasting Power of Attorney. Understand who to inform, why it's important, and how this step helps ensure transparency and accountability in the creation of your LPA.



How can I raise concerns about an LPA?

If a person to notify wants to raise concerns about the LPA, they have 3 weeks from the date they were notified to send their objection to the Office of the Public Guardian.

There are rules about the sorts of concerns people can raise. They cannot object to the LPA simply because they do not like it. People can only object to an LPA on 'factual grounds' or 'prescribed grounds'.

Factual Grounds

A person to notify can object to an LPA's registration if:

- The LPA donor or an LPA attorney has died.
- The LPA donor and an LPA attorney were married or had a civil partnership, and the relationship has legally ended.
- An LPA attorney does not have mental capacity.

- An LPA attorney has decided they do not want to be an attorney anymore (known as 'disclaiming their appointment').
- The LPA donor or an LPA attorney is bankrupt, interim bankrupt, or subject to a debt relief order (this only applies to property and financial affairs LPAs).

Prescribed Grounds

A person to notify can object to an LPA's registration if:

- There was fraud or undue pressure on the donor to make the LPA.
- The LPA is not legally valid. For example, if they believe the donor did not have mental capacity when the LPA was signed.
- The LPA donor cancelled their LPA when they had mental capacity to do so.
- An LPA attorney is acting above their authority or against the LPA donor's best interests (or the person to notify knows that the attorney intends to do this).

How to notify people?

Once you finish making the LPA online, you'll be able to download the LPA and a 'People to Notify' form (LP3).

Before the applicant sends the LPA for registration, they must give or send an LP3 form to each of the people to notify.

If the applicant is applying to register 2 LPAs for the LPA donor and the people to notify are the same on both, the applicant must send each person an LP3 form for each LPA.

The LP3 form explains on what grounds someone can object to an LPA being registered and how to raise a concern.

How can a Donor choose people to notify?

The donor can choose up to 5 people to notify. They can't be the LPA attorneys or LPA replacement attorneys. Many LPA donors choose family members or close friends.

The LPA donor should talk to each person they want to choose to make sure they're happy to be named in the LPA. During the conversation, the donor should explain that people to notify:

- Do not have to do anything right away.
- Will only be notified when the LPA donor or the attorneys apply to register the LPA.
- Do not have to do anything when they are contacted, unless they have concerns.

Why should a Donor notify people?

Letting people know about the LPA when it's about to be registered provides extra security. It gives people who know the LPA donor well a chance to raise concerns. This can be particularly important if there's a long time between making the LPA and registering it.

The donor can choose up to 5 people to be notified about the LPA application. These people have a chance to raise any concerns before the LPA is registered.

Having 'people to notify' is optional, though many LPA donors choose family members or close friends.

They will be people who:

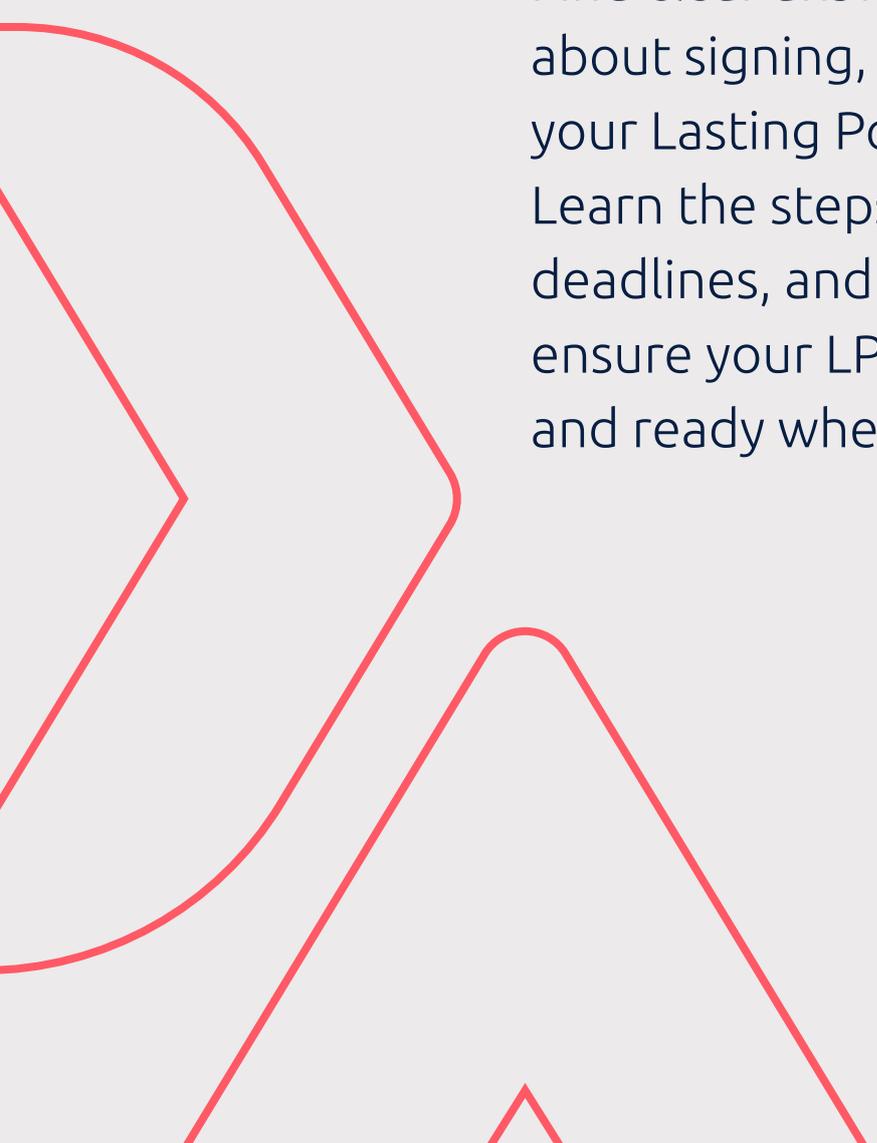
- You know well.
- Would be willing to raise concerns about your LPA if they thought you were under pressure to make it, or if fraud was involved.

They can't be:

- Your LPA attorney(s)
- Your LPA replacement attorney(s)

How do I Sign, Register & Use my LPA?

Find clear answers to your questions about signing, registering, and using your Lasting Power of Attorney. Learn the steps involved, key deadlines, and practical advice to ensure your LPA is valid, effective, and ready when needed.



How do I sign my Lasting Power of Attorney?

1. Print Your Lasting Power of Attorney Forms

Print all the forms.

2. Choose Your Witnesses Carefully

For your Lasting Power of Attorney to be valid, the LPA Donor (that's you), the LPA Attorneys', and any LPA Replacement Attorneys need to sign the documents in front of a witness. The witness must then sign, too.

There are some rules about who can be a witness:

- They must be at least 18 years old.
- They can't be an LPA Attorney or LPA Replacement Attorney, and if you're an LPA Attorney, the LPA Donor can't be your witness.

3. Donor signs the Lasting Power of Attorney with a Witness

Here’s what you need to do as the donor:

- Sign section 9 under ‘Donor’ (page 10 of the LP1F and LP1H forms).
- Your witness needs to sign alongside you, including section 5 for LP1H form only and section 9 of both documents.

Section 9
Signature: donor

Helpline
0300 456 0300



By signing on this page I confirm all of the following:

- I have read this lasting power of attorney (LPA) including section 8 'Your legal rights and responsibilities', or I have had it read to me
- I appoint and give my attorneys authority to make decisions about my property and financial affairs, including when I cannot act for myself because I lack mental capacity, subject to the terms of this LPA and to the provisions of the Mental Capacity Act 2005
- I have either appointed people to notify (in section 6) or I have chosen not to notify anyone when the LPA is registered
- I agree to the information I've provided being used by the Office of the Public Guardian in carrying out its duties

Donor
Signed (or marked) by the person giving this lasting power of attorney and delivered as a deed.

Signature or mark

Date signed or marked

Day Month Year

If you have used Continuation sheets 1 or 2 you must sign and date each continuation sheet at the same time as you sign this page.

If you can't sign this LPA you can make a mark instead. If you can't sign or make a mark you can instruct someone else to sign for you, using Continuation sheet 3.

Witness
The witness must not be an attorney or replacement attorney appointed under this LPA, and must be aged 18 or over.

Signature or mark

Full name of witness

Address

Postcode

Be careful
Sign this page (and any continuation sheets) before anyone signs sections 10 and 11.

Sign here

Sign here

4. LPA Certificate Provider signs the Lasting Power of Attorney

After you and your witness sign, the LPA Certificate Provider steps in. Their role is to ensure you understand what you're signing and that no one's pressuring you into it. Once they're happy, they should read sections 8 & 10 of the LP1F and LP1H forms, then sign section 10 of both.

Section 10
Signature: certificate provider

Helpline
0300 456 0300 



1 Only sign this section after the donor has signed section 9

The 'certificate provider' signs to confirm they've discussed the lasting power of attorney (LPA) with the donor, that the donor understands what they're doing and that nobody is forcing them to do it. The 'certificate provider' should be either:

- someone who has known the donor personally for at least 2 years, such as a friend, neighbour, colleague or former colleague
- someone with relevant professional skills, such as the donor's GP, a healthcare professional or a solicitor

A certificate provider **can't** be one of the attorneys.

Help?
For help with this section, see the Guide, part A10.

Certificate provider's statement

I certify that, as far as I'm aware, at the time of signing section 9:

- the donor understood the purpose of this LPA and the scope of the authority conferred under it
- no fraud or undue pressure is being used to induce the donor to create this LPA
- there is nothing else which would prevent this LPA from being created by the completion of this instrument

By signing this section I confirm that:

- I am aged 18 or over
- I have read this LPA, including section 8 'Your legal rights and responsibilities'
- there is no restriction on my acting as a certificate provider
- the donor has chosen me as someone who has known them personally for at least 2 years **OR**
- the donor has chosen me as a person with relevant professional skills and expertise

Restrictions – the certificate provider must not be:

- an attorney or replacement attorney named in this LPA or any other LPA or enduring power of attorney for the donor
- a member of the donor's family or of one of the attorneys' families, including husbands, wives, civil partners, in-laws and step-relatives
- an unmarried partner, boyfriend or girlfriend of either the donor or one of the attorneys (whether or not they live at the same address)
- the donor's or an attorney's business partner
- the donor's or an attorney's employee
- an owner, manager, director or employee of a care home where the donor lives

Certificate provider

Title First names

Last name

Address

Postcode

Signature or mark

Date signed or marked

Day Month Year

Sign here

5. LPA Attorneys' and LPA Replacement Attorneys' sign with a Witness

The next step is for your LPA Attorneys' and any Replacements to sign. They'll need to:

- Sign section 11 under 'Attorney or Replacement Attorney' (pages 12-15). Each LPA Attorney has their own page.
- Their witness must also complete section 11, signing next to each Attorney's signature.



Section 11
Signature: attorney or replacement

11021116
0300 456 0390

1 Only sign this section after the certificate provider has signed section 10.
All the attorneys and replacement attorneys need to sign.
There are 4 copies of this page - make more copies if you need to.

By signing this section I understand and confirm all of the following:

- I am aged 18 or over
- I have read this lasting power of attorney (LPA) including section B 'Your legal rights and responsibilities', or I have had it read to me
- I have a duty to act based on the principles of the Mental Capacity Act 2005 and to have regard to the Mental Capacity Act Code of Practice
- I must make decisions and act in the best interests of the donor
- I must take into account any instructions or preferences set out in this LPA
- I can make decisions and act only when this LPA has been registered and at the time indicated in section 5 of this LPA

Further statement by a replacement attorney: I understand that I have the authority to act under this LPA only after an original attorney's appointment is terminated. I must notify the Public Guardian if this happens.

Attorney or replacement attorney
Signed (or marked) by the attorney or replacement attorney and delivered as a deed.

Signature or mark

Date signed or marked

Day Month Year

Title First names

Last name

Witness
The witness must not be the donor of this LPA, and must be aged 18 or over.

Signature or mark

Full names of witness

Address

Postcode

Sign here →

← **Sign here**

6. 'People to Notify'

If you've listed any 'People to Notify' on your Lasting Power of Attorney, you need to let them know before sending your documents to the Office of the Public Guardian. Use the LP3 form we provide for this purpose. If they have no objections, they don't need to do anything. If they have concerns, they've got three weeks to object through the Office of the Public Guardian.

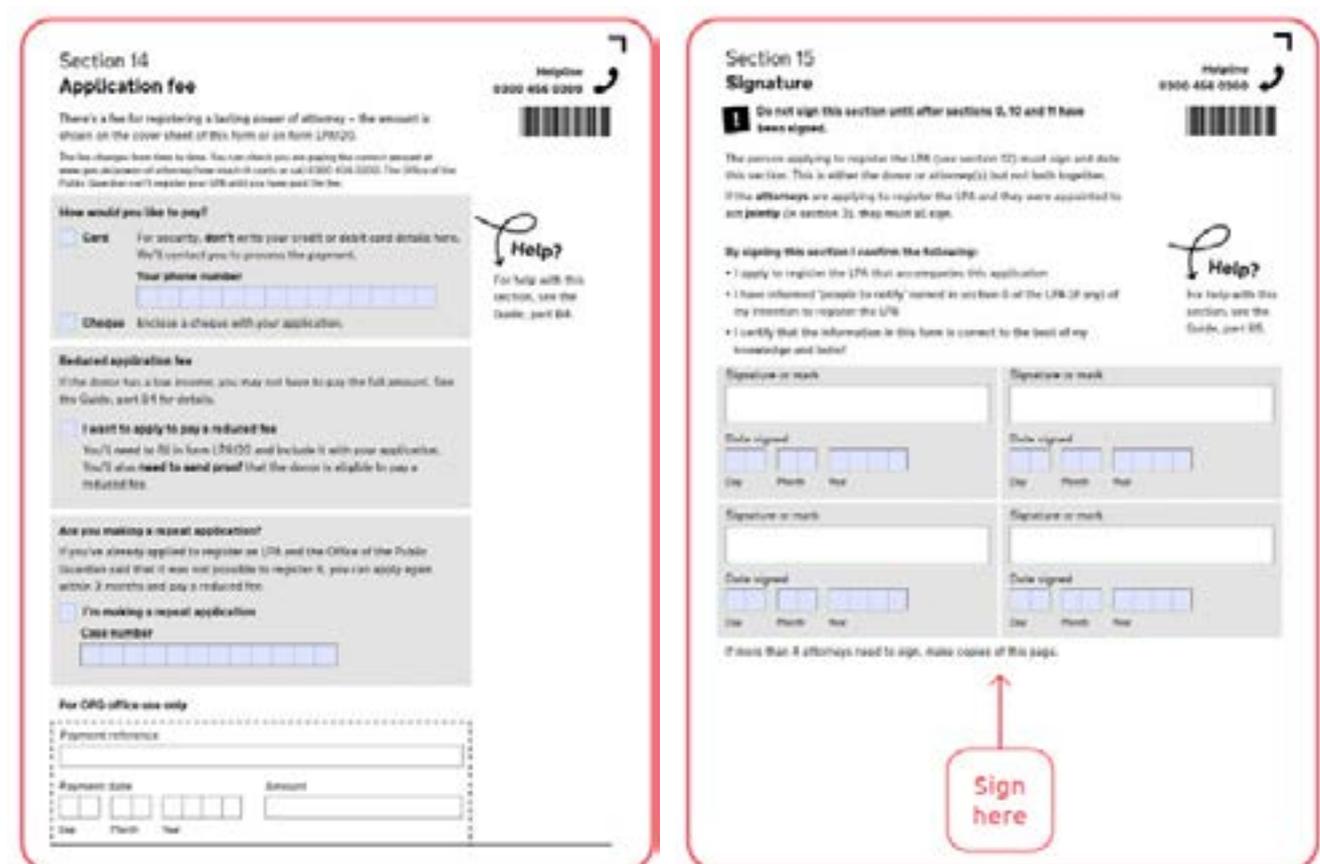


The image shows a digital form titled "Form to notify people" from the Office of the Public Guardian. At the top left is the Office of the Public Guardian logo. At the top right are two yellow buttons: "Click here to reset form" and "Click here to print form". The form is labeled "Form LP3". The main heading is "Form to notify people". Below this is a paragraph: "You only need to fill in this form if there are 'people to notify' (also called 'people to be told' or 'named people') listed in the lasting power of attorney." At the bottom, there is a grey box titled "How to complete this form" containing the instruction "PLEASE WRITE IN CAPITAL LETTERS USING A BLACK PEN" and two bullet points: "✗ Mark your choice with an X" and "■ If you make a mistake, fill in the box and then mark the correct choice with an X".

7. Final sign-Off

Enter your card details on section 14, if you're paying by cheque, make it payable to 'Office of the Public Guardian' and write the LPA Donor's name on the back.

Then, sign section 15 to confirm the registration. Make sure the person you've chosen to register the Lasting Power of Attorney is the one who signs this part.



The image shows two pages of the LPA application form. The left page is Section 14, 'Application fee', and the right page is Section 15, 'Signature'. Both pages include a helpline number (0300 454 0300) and a barcode. Section 14 includes fields for card payment details (name, number, expiry) and a section for a reduced fee. Section 15 includes a warning not to sign until sections 9, 10, and 11 are signed, and four signature boxes with date fields (Day, Month, Year). A red arrow points to a 'Sign here' box at the bottom of the right page.

How do I register a Lasting Power of Attorney?

Once everything is signed, it's time to send the documents to the Office of the Public Guardian (OPG). Here's how:

- **Mail the original, signed documents to:**

Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH

- If you're paying by **cheque**, include it with your forms.
- If you're paying by **card**, the OPG will call you to take the payment over the phone once they receive your forms.

What are the Office of the Public Guardian fees?

The Office of the Public Guardian charges £92 per Lasting Power of Attorney. If you've got a low income or receive certain benefits, you might qualify for a reduced fee or even a fee waiver. You'll find more details in form LPA120, which you can download or request. If you want to claim a reduced fee, tick the box in section 14 and send the LPA120 form with your documents.

If you are looking for an exemption (when a LPA Donor doesn't have to pay because they get certain means-tested benefits) or remission (a 50% fee reduction based on a LPA Donor's financial circumstances or a reduction based on the LPA Donor receiving Universal Credit) for paying, then

How Long Does It Take?

The current wait time for registration is up to 20 weeks, if there are no mistakes in the application. This isn't a timeline PowerofAttorneyOnline.co.uk can short cut or influence unfortunately.

What Happens Next?

Once the OPG registers your Lasting Power of Attorney, they'll send the original, stamped document back to you. This is your official, ready-to-use LPA. Keep it somewhere safe.

You can also set up an online account with the government service 'Use a Lasting Power of Attorney' to access a digital summary of your Lasting Power of Attorney, making it easier to show people or organizations when you need to.

How can I use my registered Lasting Power of Attorney?

When you or your LPA Attorneys need to use the Lasting Power of Attorney, you'll need to show one of the following:

- The original stamped document (the one you get back from the Office of the Public Guardian)
- A certified copy of the original (you can get these certified by a solicitor or notary)
- The online summary available through the government's 'Use a Lasting Power of Attorney' service

Can I set up an Online Account?

If you want to make things easier for yourself and your LPA attorneys, you can set up an online account with the government's service to manage and share your Lasting Power of Attorney digitally. Here's how:

1. Create an Account

Go to <https://www.gov.uk/use-lasting-power-of-attorney> and sign up for an account.

You'll need to have the Lasting Power of Attorney reference number handy.

2. Add Your Lasting Power of Attorney

Once your account is set up, add your Lasting Power of Attorney using the reference number.

3. Share Access

When you need to, you can give organizations (like your bank or healthcare providers) access to view the Lasting Power of Attorney online. It's a simple way to keep things moving without the need for paper copies every time.

Double-Check and Post

Before you send everything off, use the checklist after section 15 in the LP1F and LP1H forms to make sure you've done everything right. Then, send your forms to the Office of the Public Guardian at the address provided.

Need a Hand?

If you've got any questions about using your LPA, or if something doesn't seem quite right, don't worry, we're here to help.

Email: hello@powerofattorneyonline.co.uk

Chat with Us: Go to www.powerofattorneyonline.co.uk and use our online chat service

If you need help directly from the Office of the Public Guardian, you can call them on **0300 456 0300**.

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