



Your guide to Lasting Power of Attorney

At Legal & General Home Finance, we understand that it may be daunting planning for the future. One way to plan ahead is to consider setting up a Lasting Power of Attorney. This guide aims to help you understand more about a Lasting Power of Attorney and how it could protect you and your family in the future.



What is a Lasting Power of Attorney?



A Lasting Power of Attorney is a legal document where one person, the 'donor', authorises one or more people, the 'attorney(s)', to make or help make decisions for the donor. Anyone can be an attorney as long as they are over 18, not bankrupt and capable of making decisions.

When should you set one up?



Any time is the right time to set up a Lasting Power of Attorney because it's important that you plan ahead. It gives you an opportunity to discuss with your family your wishes for how you want decisions to be made if anything were to happen to you.

Although it's difficult to think about a time when you won't be able to make your own decisions, setting up a Lasting Power of Attorney can give you peace of mind that someone you trust will be able to make decisions for you if it becomes necessary. Even when you have registered the Lasting Power of Attorney, you can continue to carry out financial transactions.

What are the risks if you don't set up a Lasting Power of Attorney?



If a Lasting Power of Attorney is not in place and there comes a time when you don't have mental capacity to make your own decisions, an individual will have to apply for authority from the courts to manage your affairs. This is a lengthy process; it also means you won't have a say in who manages your affairs.

Did you know?

- If you're married or in a civil partnership, your spouse won't automatically be able to deal with your financial affairs if you lose the ability to do so.
- The Lasting Power of Attorney must be registered with the Office of the Public Guardian before the attorney can act.
- Even when the Lasting Power of Attorney is registered, you (the donor) are still able to manage your own affairs until you are no longer able to do so.

What types of Lasting Power of Attorney are available?



There are two types of a Lasting Power of Attorney:

- **Property and financial affairs** – this gives your attorney(s) the power to make decisions about both your home and money. Once registered with the Office of Public Guardian, it can be used immediately or can be kept until needed.
- **Health and welfare** – this gives your attorney(s) the power to make decisions about your daily routine, medical care, moving into a care home and life sustaining medical treatment. This can only be used if you are unable to make your own decisions.

What are the costs involved?



It doesn't cost anything to draw up a Lasting Power of Attorney, unless you want legal help or advice with the document. However, you'll need to register the document and you will be required to pay for each registration. Please visit www.gov.uk/power-of-attorney to find out about registration costs.

Getting independent advice



You should consider seeking independent advice from a solicitor and speak to your Financial Adviser to ensure the terms and implications of the Lasting Power of Attorney are understood and that the document is tailored to your needs.

The key steps in setting up a Lasting Power of Attorney of Attorney



Step 1 – choose your attorney(s)

It's important you think carefully when choosing your attorney, they should be someone that you really trust. You can select more than one attorney, and you can decide whether they must make decisions jointly or whether they can make decisions without the other.



Step 2 – complete the paperwork

You'll need to fill out a Lasting Power of Attorney form in order to appoint your attorney. You can access these forms online by visiting www.gov.uk/power-of-attorney/make-lasting-power

Alternatively, you can contact the Office of the Public Guardian by calling **0300 456 0300** and request the forms directly from them if you don't have internet access.

If you decide not to opt for legal help and advice, you may want to ask your chosen attorney(s) to support you throughout the process.



Step 3 – register the Lasting Power of Attorney

Once the forms are complete and both the attorney(s) and witnesses have signed, you need to register the document with the Office of the Public Guardian which takes around nine weeks. You'll need to pay the document registration fee at this stage.

Contact us



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03330 048444. Lines are open 8.30am to 5.30pm Monday to Friday.
Call charges will vary. Calls may be monitored and recorded.



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