



Powers of Attorney

A power of attorney is a legal document whereby a person (the donor) gives another person or persons (the attorney) authority to make certain decisions on the donor's behalf.

There are various types of powers of attorney, which are outlined below.

An ordinary or general power of attorney

- Ends if the donor loses mental capacity
- Is limited to a twelve-month period if it includes the delegation of powers the donor holds as a trustee
- Is made under the Powers of Attorney Act 1971

An enduring power of attorney (EPA)

- Gives your attorney authority to deal with your property and finances
- Can be used as an ordinary power whilst the donor has mental capacity
- Continues despite the onset of mental incapacity but once the donor is becoming mentally incapacitated it must then be registered with the Office of the Public Guardian
- Must have been made by the donor before 30 September 2007 or is not valid
- Is made under the Enduring Powers of Attorney Act 1985

A property and affairs lasting power of attorney (LPA)

- Gives your attorney authority to deal with your property and finances
- Must be registered with the Office of the Public Guardian before it can be used
- Can be registered even if the donor still has mental capacity
- Continues despite the onset of mental incapacity
- Can only have been made since 1 October 2007
- Is made under the Mental Capacity Act 2005

A health and welfare (formerly called personal welfare) lasting power of attorney (LPA)

- Authorises the attorney to make welfare and healthcare decisions on the donor's behalf
- Is capable of authorising the attorney to give or refuse consent for the continuation of life-sustaining treatment for the donor
- Must be registered with the Office of the Public Guardian before it can be used; and
- Can only be used if the donor has lost mental capacity
- Can only have been made since 1 October 2007
- Is made under the Mental Capacity Act 2005