

Lasting Power of Attorney and Deputyship

A lasting power of attorney (LPA) is a legal document, which authorises one or more people to handle your financial affairs and/or make decisions about your health and welfare.

It gives you more control about what happens to you if you cannot make your own decisions. For example, if you're:

- in hospital and need help with things like paying your bills
- a carer and [Looking after Someone](#)
- or have been diagnosed with a long term health condition such as [dementia](#).

Ordinary power of attorney (OPA)

An OPA is a temporary legal document that gives someone the authority to make decisions about your finances. This is often used when you can't make these decisions yourself. For example, when in hospital or on holiday.

Age UK have some helpful factsheets:

- [Arranging for others to make decisions about your finances or welfare](#)
- [Power of Attorney](#)

When to get a lasting power of attorney (LPA)

Everyone should have a LPA, even if you are married or in a civil partnership. It gives someone permanent authority to make decisions with you or on your behalf about your finances, health and welfare. It has no expiry date.

A LPA is a way of planning for a time when you may lose the [mental capacity](#) to manage your finances or make decisions about your health and welfare. It must be made while you still have mental capacity.

LPAs have replaced the Enduring Power of Attorney (EPA). An EPA allows someone to make decisions with you or on your behalf about your money and property. Only EPA's made and signed before October 1 2007 can still be used. If you have an EPA you should think about creating a LPA to include your health and welfare decisions.

The LPA is a legal document that lets you choose one or more people to help you make decisions or to make decisions on your behalf. The people you choose become your 'attorney'. Your attorney must be over 18 and can be a: relative, friend, professional or family member.

The LPA can be used while you still have mental capacity. Your attorney can make decisions on things such as:

- money, tax and bills
- bank and building society accounts
- property and investments
- pensions and benefits

Office of the Public Guardian (OPG) are the service where you can make, register or end a power of attorney. You can apply to search the Office of the Public Guardian registers to see if someone has an attorney or deputy acting on their behalf.

There are two types of LPA:

1. Property and financial affairs
2. Health and welfare

You can choose to make one type of LPA or both.

For more information visit [Age UK's website.](#)

Property and financial affairs LPA

Your property and financial affairs attorney can make (or help you to make) decisions about your:

- money, tax and bills
 - bank and building society accounts
 - property and investments
 - pensions and benefits
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Health and welfare LPA

Your health and welfare attorney can make (or help you make) decisions about your:

- daily routine such as, washing, dressing and eating
- medical care
- where you live and your care needs

Your attorney cannot refuse life-sustaining treatment on your behalf unless you give them permission. Follow the guidance carefully when you complete the LPA form (LP1H) if you want to refuse medical treatment in the future.

Make a lasting power of attorney

You can make an LPA [online at gov.uk lasting power of attorney service](#)

Contact [Office of the Public Guardian](#) if you need help with the online forms or don't have a computer or printer.

You can instruct a solicitor to prepare a LPA for you. They will charge you for this service

[Age UK Gateshead](#) can help people in Newcastle and Gateshead complete a LPA application.

The completed forms must be registered with the Office of the Public Guardian before the LPA can be used.

Your duties as an attorney

You do not need any legal experience to act as someone's attorney. You must act in a person's best interest.

Before you start acting on someone's behalf you can [read more information on gov.uk](#)

Deputyship

As a deputy, you are authorised by the Court of Protection to make decisions on behalf of someone else who 'lacks mental capacity'. This means they can't make a decision at the time when it needs to be made. They may lack mental capacity because they have:

- had a serious brain injury or illness
- dementia
- severe learning disabilities

There are 2 types of deputy.

- **Property and financial affairs deputy:** where you do things like pay the person's bills or organise their pension.
- **Personal welfare deputy:** where you make decisions about medical treatment and how someone is looked after.

You can [apply to become someone's deputy](#) from the Court of Protection.

Write your will

It is very important that you make a will, even if you don't think that you have much money or many possessions.

If you die without making a will, known as 'dying intestate', it can become complicated for the people that you leave behind to carry out your wishes. By making a will you can make sure your wishes are carried out such as your funeral arrangements and how you would like your money and possessions to be distributed.

Read more about [wills and how to create your will on InformationNOW](#).

Where to get legal advice

Local support is available in Newcastle if you need legal advice. You can read more about [Where to get legal advice on InformationNOW](#).

The information on this website is for general guidance on your rights and responsibilities and is not legal advice. If you need more details on your rights, or legal advice about what action to take, please contact an advisor or solicitor.

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Useful Organisations

Citizens Advice Newcastle (CAN)

Email: citycab@newcastlecab.org.uk

Website: <http://citizensadvice-newcastle.org.uk>

Telephone: 0808 223 1133

Address: 4th Floor, City Library, NE1 8AX

Office of the Public Guardian

Email: customerservices@publicguardian.gov.uk

Website: <https://www.gov.uk/browse/births-deaths-marriages/lasting-power-attorney>

Telephone: 0300 456 0300

Address: PO Box 16185, B2 2WH

Solicitors for the Elderly

Email: admin@sfe.legal

Website: www.sfe.legal

Telephone: 0844 567 6173

Address: Studio 209, MillStudio Business Centre, SG12 9PY

EAC HousingCare

Email: hoop@eac.org.uk

Website: <https://housingcare.org/>

Telephone: 0844 567 6173

Address: Suite A, SE1 7JW

GOV.UK

Website: www.gov.uk

Telephone: 0844 567 6173

My Living Will

Email: hello@mylivingwill.org.uk

Website: <https://www.mylivingwill.org.uk/>

Telephone: 0844 567 6173

Related Articles

[Dementia](#)

[Being diagnosed](#)

[Parkinson's Disease](#)

[Wills](#)

[Making decisions and your mental capacity](#)

[Where to get legal advice](#)

[Welfare benefits](#)

[Savings and Investments](#)

[Getting advice about your finances](#)

[Mental Health](#)

[Looking after someone](#)

[Self care and looking after yourself](#)

[Planning Ahead: a guide](#)