

Powers of Attorney

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Appendix 1. Standard Forms Used in Powers of Attorney

Lasting Powers of Attorney

Lasting Power of Attorney is a legal document which gives authority to another person to make decisions on your behalf. This is obviously someone you can trust to make decisions on your behalf. The Attorney you choose will be able to make decisions for you when you become lacking in mental capacity or simply no longer wish to do so

There are two types of Lasting Power of Attorney. There is:

- Property and Financial Lasting Power of Attorney, which allows your attorney to deal with your property and finances.
- Health and Welfare which allows your attorney to make care decisions on your behalf when you lack mental capacity to do so.

A Lasting Power of Attorney cannot be used until it is registered with the Office of the Public Guardian.

By having a Lasting Power of Attorney you are ensuring a safe way of having decisions made for you. The following reasons for this are:

- It has to be registered with the Office of the Public Guardian before it can be used
- You can choose someone to provide a 'certificate', which

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means they confirm that you understand the significance and purpose of what you're agreeing to. This is normally a solicitor or legal expert

- You can choose who gets told about your Lasting Power of Attorney when it is registered (so they have an opportunity to raise concerns). This may be a relative or someone close to you
- Your signature and the signatures of your chosen attorneys must be witnessed
- Your attorney(s) must follow the Code of Practice of the Mental Capacity Act 2005 and act in your best interests
- The Office of the Public Guardian provides helpful support and advice