



HOW TO **PREPARE FOR YOUR LPA**

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HOW TO PREPARE FOR YOUR LPA

*Helping you to consider your
options, thoughts, and wishes*



INTRODUCTION

Registering a Lasting Power of Attorney can be complicated; however, we have created the following guide to support you in preparing your application and what you may need to consider before you do.

Throughout this guide, there are sections for you to add your thoughts as we want you to be comfortable and confident with your choices and understand the process fully. Your dedicated LPA Consultant will run through this guide with you before completing your application and answer any questions you may have.

**Should you have any questions,
please contact us via:**

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USEFUL TERMS

Donor – A donor is a person who appoints an attorney to make decisions on their behalf using an LPA. So in this case, **you**.

Attorney(s) – When you register an LPA, you choose one or more trusted people to make decisions ('act') on your behalf. These people are called attorneys.

Replacement Attorney(s) - A replacement attorney is a person named in the LPA as a substitute for an original attorney.

Certificate Provider - The Certificate provider of your LPA is an independent person who will confirm ('certify') that you are registering the LPA of your own free will, without pressure and that you have the mental capacity to do so.

Witnesses - Witnesses are impartial people who watch you, "the donor", attorneys and any replacement attorneys sign the LPA.

Person(s) to notify - A 'person to notify' is someone you choose to inform about the registration of your LPA.

WHAT IS AN ATTORNEY?

Attorneys are people, that you, "the donor" appoint to make decisions on your behalf.

- 1 You can have 1 or more attorneys
- 2 Your attorney(s) must be aged 18 or over
- 3 Attorneys must have mental capacity - the ability to make decisions
- 4 An attorney must not be bankrupt or subject to a debt relief order
- 5 Your attorney(s) **do not** need to live in the UK or be a British Citizen

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



WHAT IS MEANT BY 'MENTAL CAPACITY'?

To have 'mental capacity' you and your attorneys must be able to understand, retain, weigh up and communicate the decisions that need to be made, why they need to be made, and the likely outcome of the decision.

If you do not have mental capacity, you will not be able to proceed with your LPA application. If an attorney does not have mental capacity, you are not able to appoint them to act on your behalf.

THE RESPONSIBILITY OF AN ATTORNEY

When you register an LPA, you can choose one or more trusted people to make decisions ('act') on your behalf. These people are called attorneys.

You must choose at least one attorney. You *can* have as many attorneys as you want, but if there are too many, it may be difficult for them to all work together.

When making decisions on your behalf, the attorneys must always:

- ✓ act in your best interests
- ✓ follow any instructions you put in your LPA
- ✓ consider any preferences you put in your LPA

Each attorney must:

- ✓ understand the role and responsibilities of an attorney
- ✓ agree to be your attorney
- ✓ sign the LPA
- ✓ follow the Mental Capacity Act Code of Practice