A.D.E Wills

A PLAIN-ENGLISH GUIDE

The LPA Starter Guide

Choosing who can act for you if you can't.

A clear, friendly walk through Lasting Powers of Attorney: what they are, why they matter, and the simple ways we can help you put them in place. No jargon, and nothing to decide today.

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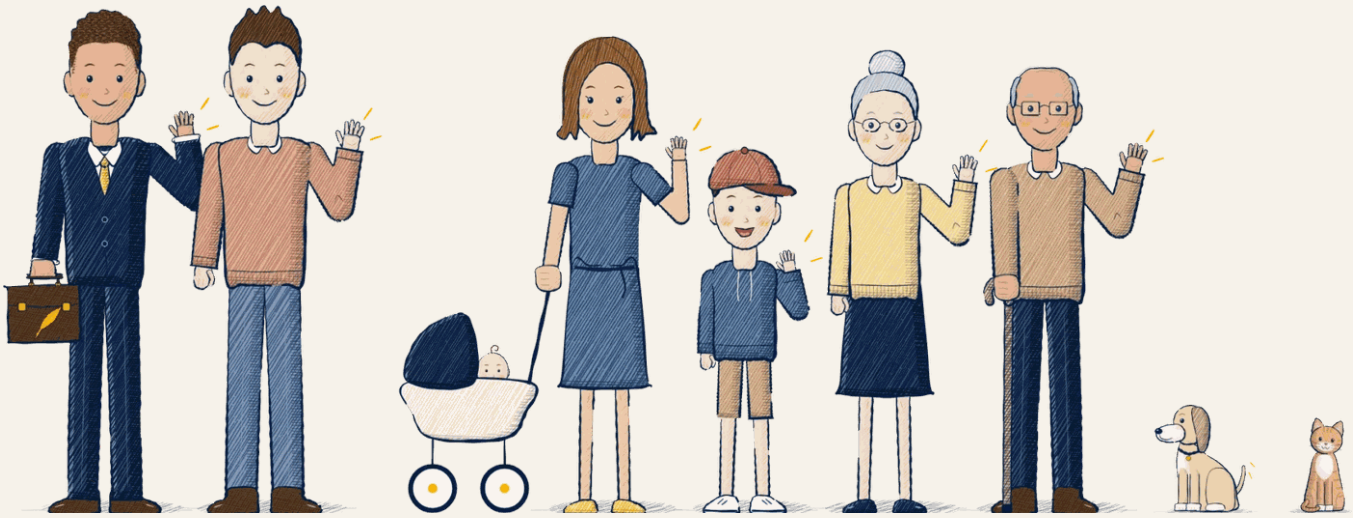
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WHAT AN LPA IS

What a Lasting Power of Attorney does

A Will looks after things after you've gone. A Lasting Power of Attorney looks after you, and your affairs, while you're still here.

A Lasting Power of Attorney, usually shortened to LPA, is a legal document that lets you choose people you trust to make decisions for you if a time comes when you can't make them yourself. That might follow a stroke, dementia, a serious accident or a spell in hospital. You put it in place now, while you're well, and it simply waits in the background, giving you and your family peace of mind that someone you trust is ready if they're ever needed.

THERE ARE TWO KINDS, AND MOST PEOPLE MAKE BOTH

Health and welfare

Your care and treatment

Covers decisions about your daily routine, medical care and moving into a care home. You also decide whether your attorneys can make decisions about life-sustaining treatment. It can **only** be used once you can no longer make the decision yourself.

Property and financial affairs

Your money and property

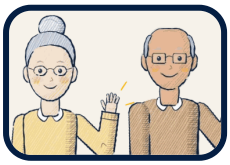
Covers paying bills, running your bank accounts, collecting your pension and benefits, and managing or selling your home. If you choose, it can be used **with your permission** as soon as it's registered, while you still have capacity, which helps if illness or travel makes everyday banking hard.

GOOD TO KNOW

The two LPAs are separate documents with separate jobs, so each one is signed and registered on its own. Making both means your health and your money are covered, and you can choose the same attorneys for each or different ones.

A WILL AND AN LPA, SIDE BY SIDE

	Your Will	Your LPAs
When it works	Only after you die	During your lifetime, if you need help
Who acts	Your executors	Your attorneys
What it covers	Who inherits what you leave behind	Your money, property, care and treatment



Who this guide is for

Anyone aged 18 or over who would like a say in who looks after them if they ever need it. It explains the law in England and Wales, and every term is explained as it comes up.



WHY IT MATTERS

Why an LPA matters

It's natural to assume a husband, wife or grown-up child could simply step in. Unfortunately, the law doesn't allow it.

Without an LPA, nobody has an automatic right to manage your money or make decisions about your care, not even a husband, wife or civil partner. Accounts in your sole name can be frozen, bills can go unpaid and decisions can stall, at exactly the moment your family is already under strain.

WHAT CAN HAPPEN WITHOUT ONE

Money is locked away

A bank may stop anyone using accounts in your sole name, leaving household bills and care fees unpaid.

Others decide your care

Doctors and care staff decide in your best interests. They should consult your family, but your family doesn't have the final say.

A court application

Your family may need to apply to the Court of Protection to be allowed to manage your money and property.

Why the court route is harder

A person the court appoints is called a **deputy**. Becoming one usually takes many months and costs far more than an LPA, with court fees, plus yearly supervision fees and reports. The court, not you, decides who is appointed. For health and care decisions, the court usually prefers to make decisions itself rather than appoint a deputy. An LPA made calmly in advance spares your family all of this.

Why make one now?

- Capacity can be lost suddenly, through an accident or illness, at any age.
- You can only make an LPA while you have capacity, so it's kindest to your family to make one while you're well.

A COMMON MYTH, GENTLY CORRECTED

Being next of kin, or sharing a joint account, doesn't give anyone the legal right to act for you.

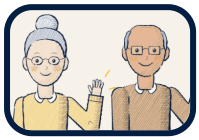
A joint account holder can usually keep using that account, but nothing in your name alone. If you lose capacity, only a registered LPA, an older Enduring Power of Attorney or a Court of Protection order gives that authority. An Enduring Power of Attorney (made before October 2007) covers money and property only, and is registered once you start losing capacity.



THE PEOPLE INVOLVED

Who does what

A handful of roles come up whenever LPAs are made. Each one is simpler than it sounds.



The donor

That's you: the person making the LPA and choosing who to trust. You must be 18 or over and able to understand what you're signing.



Attorneys

The people you appoint to make decisions for you. They must be 18 or over and must always act in your best interests. Here "attorney" simply means someone you've given authority to act.



Replacement attorneys

Back-ups you name in advance, ready to step in if one of your attorneys dies or can no longer act. They are optional, but they help keep your LPA working.



Certificate provider

An independent person who confirms you understand the LPA and nobody is pressuring you. It must be someone with relevant professional skills, or who has known you well for at least two years, and not a relative, partner, attorney or anyone else close to the LPA.

WORDS WORTH KNOWING

People to notify	Anyone you choose to be told when your LPA is sent for registration. They have three weeks to raise a concern. Naming them is optional, but it adds protection.
Office of the Public Guardian	The government body, known as the OPG, that registers every LPA and looks into concerns about how attorneys behave.
Court of Protection	The court that makes decisions for people who lack capacity, including appointing a deputy where there's no LPA, and settles disagreements about LPAs.
Mental capacity	Being able to understand, retain and weigh up the information needed to make a particular decision, and to communicate it. It is judged one decision at a time.



WORTH KNOWING

With both of our LPA services, we act as your certificate provider, so that's one less thing for you to arrange.

Choosing the right people

Your attorneys are the heart of your LPA. It's worth a little thought, but it needn't be difficult, and we'll talk it through with you.

Who to trust

Good judgement matters more than expertise. Choose people who are trustworthy, sensible and likely to be around when needed, and ask them first. Many people choose a husband, wife or partner, a grown-up child or a close friend. An attorney for money and property can't be bankrupt or subject to a debt relief order.

How they decide

Jointly means your attorneys must agree on every decision and act together. **Jointly and severally** means they can act together or on their own, so nothing is held up if one is away. You can also mix the two: jointly for some decisions, such as selling your home, and jointly and severally for everything else.

Replacements

A sensible back-up. If you appoint attorneys jointly and one can no longer act, your LPA stops working unless you have named a replacement. Replacements keep it working for longer.

Preferences and instructions

Preferences are wishes your attorneys should take into account, such as staying near family. **Instructions** are rules they must follow, such as not selling a particular property. We'll help you word them clearly, because unclear wording can stop an LPA being registered.

Life-sustaining treatment

In a health and welfare LPA, you decide whether your attorneys can give or refuse consent to life-sustaining treatment on your behalf, or whether your doctors should make that decision, taking your attorneys' views into account. It's a personal choice, and we'll explain both options so you can make it with confidence.



HOW MANY ATTORNEYS?

There's no fixed limit. One attorney is simplest; two or more share the load and give a second pair of eyes. Your attorneys can be the same for both LPAs or different, for example someone good with paperwork for money and someone close by for care.

HOW IT WORKS

Making, signing and registering

An LPA becomes valid in three stages, and the order matters. A mistake can mean it's sent back, so we take care to get it right first time.

1

Make it

Set out your choices: which LPAs you need, who your attorneys and replacements will be, anyone to notify, and any preferences or instructions.

2

Sign it, in order

You sign first, with a witness. Your certificate provider signs next. Only then do your attorneys and replacements sign, each with a witness.

3

Register it

The signed LPA is sent to the Office of the Public Guardian. It can't be used until it is registered, even while you still have capacity.

The signing rules

- Everyone signs the **same original document**, in ink and in person. Copies and digital signatures aren't accepted.
- Signing in the wrong order is a common reason for an LPA being sent back, so we'll show you exactly who signs when.
- Witnesses must be 18 or over. Your attorneys can't witness your signature, and you can't witness theirs. Attorneys can witness each other.
- Your certificate provider can witness your signature.



The registration fee

The OPG charges **£92 to register each LPA**, so £184 for both. It's paid to the government, not to us. It is halved if you earn less than £12,000 a year, and you may not pay at all if you receive certain means-tested benefits.

How long it takes

GOV.UK currently says about **8 to 10 weeks** if there are no mistakes. If the OPG spots a problem, they'll write to explain what needs putting right, often sending the LPA back to be amended. If it can't be registered, you can usually reapply within three months for a reduced fee of £46.

IMPORTANT

It's wise to register straight away rather than wait until the LPA is needed, as registering takes weeks and any problem is easier to put right while you're well. LPAs can already be filled in online, but they are still printed and signed in ink. A fully digital system has been approved by Parliament but hasn't started yet, and an LPA made now stays valid.

YOUR SAFEGUARDS

Built to protect you

An LPA gives someone the power to help you, never the power to override you while you can still decide for yourself.

The Mental Capacity Act 2005

The law your attorneys must follow, built on five principles.

1. **Assume capacity**
   Your attorneys must start from the assumption that you can make your own decisions.
2. **Help you decide**
   They must do all they practically can to help you make a decision before deciding for you.
3. **Respect your choices**
   A decision that seems unwise isn't, on its own, a sign that you lack capacity.
4. **Your best interests**
   Anything done for you must be in your best interests, taking account of your wishes and feelings.
5. **The lightest touch**
   Before acting, they must consider whether the same thing can be done in a way that restricts your rights and freedom less.

Using it

Once registered, your attorneys can prove their authority with the LPA itself or, for LPAs registered from 2016 onwards, with an access code from the OPG's free online **Use a lasting power of attorney** service, which banks and many other organisations accept.

Changing your mind

While you have capacity, you can end your LPA at any time by signing a formal document called a deed of revocation and sending it to the OPG with the original LPA. It's kind to let your attorneys know too. You can always make a new LPA if your choices change.

WHEN AN LPA ENDS

An LPA ends when you die. From then on your executors, guided by your Will, deal with your estate. If you appoint your husband, wife or civil partner and you later divorce or dissolve the partnership, their appointment ends too, unless your LPA says otherwise.



HOW WE HELP

Two ways to make your LPA

Whichever you choose, we prepare your LPA, act as your certificate provider and register it with the OPG. The only difference is whether we're with you when you sign.



Full Service LPA

from £480 online
from £600 in person

We prepare your LPA, attend your signing appointment as your witness and certificate provider, make sure everything is signed in the right order, and register it with the OPG for you. The hands-off choice.



Self-Sign LPA

from £340 online
from £460 in person

We prepare your LPA, act as your certificate provider and register it for you. You sign at home, following our step-by-step Signing Guide, and post it back. The same document, for £140 less.

Prices are for one LPA. The online or in-person price depends on how we meet for your instructions appointment: by video, or at your home or our Oxford office. Each extra LPA costs £120, so both LPAs for one person start at £600 (Full Service) or £460 (Self-Sign) online. All prices exclude the £92 OPG fee per LPA. No VAT is charged.

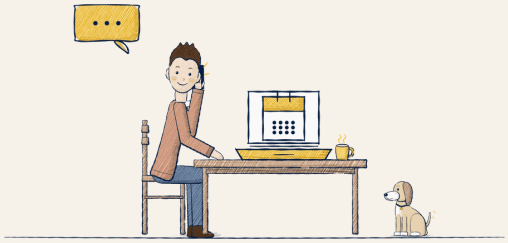
Every LPA includes

- ✓ Unlimited changes to your draft until you're happy with it.
- ✓ Plain-English guidance at every stage, so you know exactly what you're choosing.
- ✓ A professional certificate provider, so you don't need to find one.
- ✓ Registration with the Office of the Public Guardian handled for you, and your registered LPA posted to your door.
- ✓ An LPA prepared by a full member of the Society of Will Writers, working to their Code of Practice and holding full professional indemnity insurance.

All our fees are fixed and confirmed in writing before any work begins. We can also prepare an Ordinary Power of Attorney for a short period, such as a hospital stay, or a Business LPA.

NOT SURE WHICH SUITS YOU?

You don't need to decide now. A free initial chat, online or over the phone, is the easiest way to work out which LPAs you need and which service fits.



GETTING READY

Preparing for your appointment

A little preparation makes your meeting quicker and means nothing gets forgotten.

Things worth thinking about

- ✓ Which LPAs you need: health and welfare, property and financial affairs, or both.
- ✓ Who your attorneys will be, with their full names, addresses and dates of birth.
- ✓ Whether they should act jointly, or jointly and severally, and when your money LPA can be used.
- ✓ Who you'd name as replacements, and anyone you'd like notified.
- ✓ Any preferences or instructions, and your view on life-sustaining treatment.

Our free **LPA Checklist** at **adewills.co.uk** takes you through it.

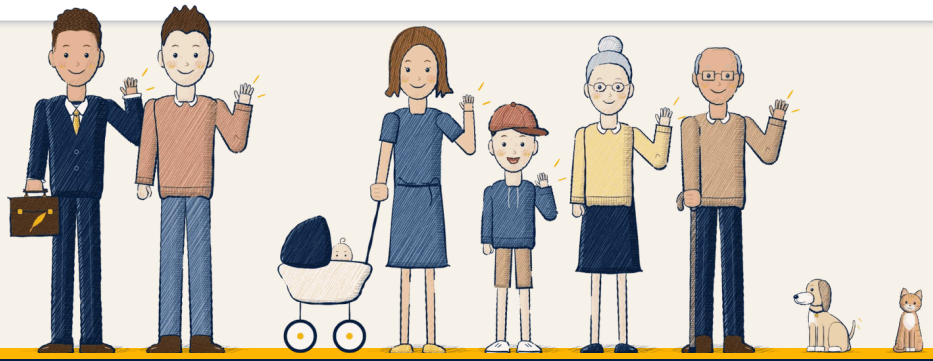
LET'S HAVE A CHAT

01865 507174

Email **info@adewills.co.uk** or book a free 15-minute call at **calendly.com/ade-wills/15min**.

OTHER ORGANISATIONS YOU MAY FIND USEFUL

Office of the Public Guardian	0300 456 0300 · gov.uk/power-of-attorney
Citizens Advice	Free, independent advice. Adviceline (England) 0800 144 8848 · Advicelink (Wales) 0800 702 2020 · citizensadvice.org.uk



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(by appointment)

Opening hours
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Your LPA is prepared by a full member of the Society of Will Writers, working to their Code of Practice and holding full professional indemnity insurance. We are professional Will writers, not solicitors. This guide is general information about the law in England and Wales as at November 2026. It is not personal legal or financial advice and does not create a client relationship. The law and the OPG's fees can change, and our fees are always confirmed in writing before you instruct us.