Lasting Power of Attorney Explained

The two types, what each covers, what happens without one — England & Wales

The two-type framework

Type 1 - Property & Financial Affairs

What it covers

Gives your attorney legal authority to manage your bank accounts, pay bills, collect pension and benefits, buy or sell property, and make investment decisions on your behalf.

When it can be used

Once registered, it can be used with your permission while you have capacity, if the LPA allows, or when you lack capacity for the relevant decision.

Type 2 - Health & Welfare

What it covers

Gives your attorney authority over care, treatment and where you live. Decisions about life-sustaining treatment require express permission in the LPA.

When it can be used

Can only be used once registered and when you lack capacity to make the particular health or care decision.

The Registration Requirement

You must register before you need it

An LPA cannot be used until registered with the Office of the Public Guardian (OPG). Registration currently takes 8–10 weeks if the application contains no mistakes.

Registering early helps avoid delays if it is suddenly needed. Once registered, check what banks and other organisations require before your attorney needs to act.

Without an LPA: what may happen

Without a financial LPA or other suitable authority, managing your finances may require a Court of Protection application. This can involve delays and additional costs.

Relatives have no automatic authority over your finances. Health and care decisions can still be made under best-interests rules.

The court may appoint a financial deputy. Its choice may differ from the person you would have appointed.

Deputies normally submit an annual report to the OPG. Attorneys must also keep records and may be investigated.

A financial deputy can receive ongoing powers specified by the court. Health and welfare deputy appointments are less common.

LPA registration costs £92 per document, or £184 for both. Deputyship applications cost £432, with further fees and possible professional costs.

The core rules most people don't know

The question	The honest answer
Can I set one up after a diagnosis?	Only if you still have mental capacity at the time of signing. A diagnosis alone does not remove capacity — but act quickly.
Can my attorney make gifts?	Only limited, reasonable gifts on customary occasions or to charities. Gifts outside these powers require Court of Protection approval.
What if my attorneys disagree?	Depends on the structure. A jointly-appointed LPA requires unanimous agreement. A deadlock can make the LPA unworkable.
Can I change my mind?	Yes — while you have capacity to make that decision, you can revoke your LPA formally. If you lack capacity, the Court of Protection can intervene.

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