



Hassans

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# LASTING POWERS OF ATTORNEY

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## What is a Lasting Power of Attorney?

A Lasting Power of Attorney is a legally binding document that allows an individual (called the donor) to choose a person or people that they trust to make decisions on their behalf (called the donee) if or when that individual no longer has the mental capacity/ ability to make decisions for themselves. The opinion of a medical practitioner is required to determine whether an individual has lost their mental capacity.

## What happens if we don't have Lasting Powers of Attorney?

If you were to have a serious accident or change in your health that affects your mental capacity/ ability your next of kin would not have the automatic right to manage your financial affairs or make health decisions on your behalf. Having Lasting Powers of Attorney can help avoid the need for costly and time consuming court proceedings which would be necessary for your next of kin to act on your behalf.

## Can an ordinary Power of Attorney replace a Lasting Power of Attorney?

No, an ordinary Power of Attorney is mostly used in a transactional or commercial context and typically used to authorise the attorney to deal with the donor's affairs for a specific purpose. Unlike a Lasting Power of Attorney, a supervening mental incapacity of a donor will terminate an ordinary Power of Attorney.

## Are there different types of Lasting Powers of Attorney?

There are two types of Lasting Powers of Attorney:

1. Property and Financial Affairs - this gives the donee the power to make decisions that may include withdrawing money from a bank account, dealing with property or re-investing assets. It can be valid from the moment it is entered into or only when the individual has lost their mental capacity.
2. Health and Welfare: this gives the donee the power to make decisions that may include whether to keep the individual on life-sustaining treatment or whether the individual should live in care. It can only be valid when the donor has lost their mental capacity.

## Who can help us?

Our dedicated Estate Planning, Wills and Probate team at Hassans can assist.

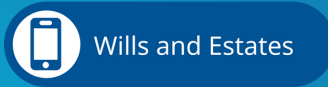


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