



Power Of Attorney

Power of attorney is a legal procedure that formally authorises someone (the attorney) to deal with financial affairs on behalf of a person (the donor) who is not able to deal with their own affairs.

What Is It?

There are two types of power of attorney: ordinary power of attorney and lasting power of attorney.

1. **An ordinary power of attorney** allows someone to manage your financial affairs temporarily, for example if you're ill, injured, or abroad. It can't be used if you lose mental capacity - in that case, a lasting power of attorney (LPA) is needed instead.
2. **A lasting power of attorney (LPA)** lets you appoint someone to make decisions on your behalf for the long term, including if you lose mental capacity. There are two types - one for property and financial affairs, and one for health and welfare - and each must be registered before use. LPAs were introduced in October 2007, replacing Enduring Powers of Attorney (EPAs). While new EPAs can no longer be created, any made before October 2007 are still valid.

1. Ordinary Power Of Attorney

An ordinary power of attorney lets you give someone authority over all or specific financial matters, either indefinitely or for a set period. A limited power of attorney covers only certain tasks and should be carefully written to make the attorney's responsibilities clear. It takes effect as soon as it's signed, does not need to be officially registered with the Office of the Public Guardian, and ends if the donor loses mental capacity or revokes it, though using a solicitor can help ensure it is legally binding.

2. Lasting Power Of Attorney

You must make a lasting power of attorney (LPA) while you still have mental capacity, choosing someone you trust — your attorney — to manage your affairs. You can create and register an LPA online or by post with the Office of the Public Guardian, and there are separate forms for



health and welfare, and for property and financial affairs. Once registered, the LPA can be used and may later be cancelled or amended if needed.

You can apply online for power of attorney:

<https://www.gov.uk/power-of-attorney/make-lasting-power>

Alternatively, contact the Office of the Public Guardian for an application pack.

Post: Office of the Public Guardian, PO Box 16185, Birmingham B2 2WH

Call: 0300 456 0300 (lines are open Monday to Friday, 9.30am to 5pm, Wednesday, 10am to 5pm)

Relay UK: 18001 0300 123 1300 (if you can't hear or speak on the phone, you can type what you want to say)

Email: customerservices@publicguardian.gov.uk

How We Can Help

If you live in the Barnsley borough and would like some advice on power of attorney, you can:

- Email us at first.contact@dialbarnsley.org.uk
- Or call our Advice Line on 01226 240273