

# TECHNICAL ADVICE

## Ending an LPA | How long does an LPA last?

**A Lasting Power of Attorney or LPA is a document that gives legal authority to someone (the attorney) to deal with another's affairs (the donor) on their behalf, should the donor ever be unable to act or make decisions for themselves.**

It is recommended that everyone consider putting one in place so that, should anything happen, loved ones have the reassurance of being able to look after the donor.

There are two types of LPA in place, one in respect of health and welfare and one in respect of property and financial affairs. The LPA can't be used until it has been registered with the Office of the Public Guardian (OPG).

Over time the donor may want to change the arrangements they have made. We look at how you can alter or end a Lasting Power of Attorney once it has been registered with the OPG.

## When an LPA ends automatically

In some instances, an attorney's authority to act under an LPA will end automatically. These include:

- If the attorney dies or loses the mental capacity to act
- If the attorney is the spouse or civil partner and they divorce or they dissolve their partnership
- If the property and financial affairs attorney is declared bankrupt or is the subject of a Debt Relief Order
- If the Court of Protection removes the attorney, for example, where they are not acting in the best interests of the donor.

If your chosen attorney has died and your LPA had been registered, the OPG should be notified. They will need to see a copy of the death certificate and also be sent the original LPA document.

## Choosing to end an LPA

There are several reasons a donor may want to revoke an LPA, including the following:

- The donor would prefer to appoint someone else, for example, because their relationship with their chosen attorney has changed or they have found someone they believe will be better placed to take on the role
- The believe the attorney might struggle to act because of their own health issues or age
- The attorney has moved away

The donor can revoke a registered LPA by making a written deed of revocation and sending it to the OPG with the original LPA. Any attorneys appointed under the LPA must also be notified.

## Changing the details of an LPA

The donor can choose to remove just one attorney, where they have appointed more than one, by signing a partial deed of revocation. Again, both the OPG and the attorney in question should be notified.

If the donor wishes to end or alter a Lasting Power of Attorney, this should be done whilst they still have mental capacity and it is important to follow the correct procedure. The donor should not attempt this for themselves but should seek advice from a professional who specialises in LPAs make sure that the right documentation is signed and that notifications are dealt with to ensure that the changes are able to take effect.