Why Make a Lasting Power of Attorney?

Five good reasons – and what happens when you don't.



1 in 3 people born in the UK today will develop dementia in their lifetime (Lewis, 2015).

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About Edge Legacy Planning

Edge Legacy Planning is a will-writing and estate-planning firm. We are not solicitors and we are not regulated by the Solicitors Regulation Authority. This guide is general information based on the law in England and Wales as at August 2026. It is not legal, tax or financial advice, and your circumstances may differ.

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THE STARTING POINT

What is an LPA, and what happens if I don't have one?

An LPA is a legal document that lets you choose who makes decisions about your money, property and care if you can no longer make them yourself. It enables you to name the people you trust (your attorneys) to act on your behalf, rather than leaving it to chance (GOV.UK, 2026a).

There are two types of LPA, and you can make one or both (GOV.UK, 2026a):

- **Property and Financial Affairs** – your money and property. Your attorneys can deal with your bank, pay your bills, manage your pension and, if necessary, your home.
- **Health and Welfare** – your care and medical treatment, including where you live and how your daily care is arranged.

Both types must be registered with the Office of the Public Guardian (OPG) before they can be used (GOV.UK, 2026a).

What happens without one?

Unfortunately, if you lose capacity without an LPA in place, your husband, wife, partner or children have no automatic right to step in and manage things for you. Instead, they would need to apply to the Court of Protection to be appointed as your deputy. This involves court fees, ongoing supervision and a report to the OPG every year (GOV.UK, 2026c), and can take up to six months. When it comes to health and care decisions, the court is generally reluctant to appoint a deputy at all (Mental Capacity Act Code of Practice, 2007, para. 8.38).

The five pages that follow are the five reasons to put an LPA in place while you can, and make sure the people closest to you are the ones looking after you.

REASON 1

Choose who acts for you

An LPA is the only way to decide, while you still can, who will act on your behalf. Without one, that decision is made by the court, which may appoint someone you would not have chosen. For health and welfare decisions, it may not appoint anyone at all (GOV.UK, 2026c).

Key Figures: 78% of UK adults have not registered an LPA, and among the over-55s the figure is 77% (Canada Life, 2022).

Choose the people you trust

Your attorneys could be your partner, your children, a close friend, or a mix of these. You can also name replacement attorneys in case one of them is unable to carry on, and decide whether they must agree on every decision or can each act on their own (Mental Capacity Act 2005, s. 10). This is especially important for second marriages and blended families, where the wrong appointment can cause real difficulty later on.

Set out your wishes

Your LPA can include preferences, which your attorneys should take into account, and instructions, which they must follow (GOV.UK, 2026a). A common instruction is that your home is not to be sold unless a doctor has confirmed you can no longer live there safely.

Instructions need to be worded carefully. An instruction the OPG considers unworkable is one of the more common reasons an LPA is rejected (Witherden, 2024), which is exactly why we go through them with you before anything is signed.

REASON 2

Protect your finances

If you lose capacity, your bank can restrict your accounts to essential payments only until someone has the legal authority to act, and that includes joint accounts. This can leave a partner unable to pay the mortgage or a care home bill from money that, in practice, belongs to both of you. With a registered LPA, your attorney already has that authority from day one.

Key Figures: Registering an LPA costs £92 as a one-off fee (GOV.UK, 2026a). A deputyship costs £432 to apply for, a further £100 assessment fee for new deputies, and then up to £320 a year for as long as it lasts, together with a security bond and an annual report to the OPG (GOV.UK, 2026c).

Bills & payments continue

Your mortgage or rent, household bills, care fees and any pension or benefit payments can all be handled by your attorney without a break (GOV.UK, 2026a), so your family aren't left covering them out of their own pocket in the meantime.

It can be used while you still have capacity

A Property and Financial Affairs LPA doesn't have to sit in a drawer until the worst happens. Once registered, and with your permission, your attorney can use it while you are still perfectly able to make your own decisions (GOV.UK, 2026a). This can be a real help during a stay in hospital, a spell abroad, or simply when getting to the bank becomes harder than it used to be.

If you run a business

An LPA can be limited to your business affairs, so someone you trust can keep things running if you can't. This is something we can talk through with you at your consultation.

REASON 3

Have a say in your care

A Health and Welfare LPA means that decisions about your treatment, your care and where you live are made by someone who knows you and understands what you would want, not by professionals who may never have met you.

Key Figures: An estimated 982,000 people in the UK are living with dementia, and the number is expected to rise to 1.4 million by 2040 (Carnall Farrar, 2024).

What your attorneys can decide

Your medical treatment, whether you move into a care home, and your daily routine, right down to what you eat and what you wear (GOV.UK, 2026a). It is also up to you whether your attorneys have any say over life-sustaining treatment. If you don't give them that authority, the doctors decide (Mental Capacity Act 2005, s. 11).

Acting in your best interests

Your attorneys are legally required to act in your best interests, and to take into account your wishes and feelings, both past and present, when they do (Mental Capacity Act 2005, ss. 1 and 4). It is a duty, not a courtesy.

What about a living will?

An advance decision, often called a living will, lets you refuse particular treatments in advance. What it can't do is appoint anyone to speak for you, which is why many people have both (Age UK, 2026).

REASON 4

It’s not only for later life

Most people think of an LPA as something for retirement. But if you have a mortgage, a family or a business, the question of who could act for you matters just as much at 40 as it does at 80. Capacity can be lost through a road accident, a head injury, a stroke or a period of mental illness, and unfortunately an LPA can only be made while you still have it (GOV.UK, 2026a).

Key Figures: Around 100,000 people in the UK have a stroke each year, and research indicates that a quarter of these occur in people under 65 (Stroke Association, 2021).

Anyone over 18 can make one

All you need is to be 18 or over and have mental capacity on the day you sign (GOV.UK, 2026a).

It also covers temporary loss of capacity

Capacity is assessed decision by decision, at the time each one needs to be made (Mental Capacity Act 2005, ss. 2–3). So if you lose capacity for a while and then recover, your attorney steps in only for as long as you need them, and then steps back.

Don’t leave it too late

The OPG's own advice is to register your LPA as soon as it is made. If you delay and then lose capacity, any mistakes in the document can no longer be corrected, the OPG cannot register it, and your family are back to applying to the Court of Protection after all (Office of the Public Guardian, 2025b).

REASON 5

Stay in control, with safeguards in place

Some people put off making an LPA because it feels like handing over control. In fact, the opposite is true. An LPA is one of the most closely supervised legal documents there is, and it stays under your control for as long as you have capacity.

Key Figures: As of 31 March 2025 the OPG held 9.3 million LPAs and EPAs on its register, and it received 1.58 million applications in 2025-26 alone (Office of the Public Guardian, 2026).

An independent check

Before your LPA can be registered, an independent person called a certificate provider must confirm that you understand what you are signing and that nobody is putting pressure on you (Mental Capacity Act 2005, Sch. 1).

Your attorneys are accountable

Every LPA is registered with the OPG, which also investigates concerns about the way attorneys are using their powers (Office of the Public Guardian, 2025a).

You can change your mind

You can name people to be told when your LPA is registered (GOV.UK, 2026d), and you can cancel it at any time, as long as you still have capacity (Mental Capacity Act 2005, s. 13).

Most people who make an LPA hope it will never be needed. Having one in place simply means that if it is, the people you chose can look after you and your affairs without unnecessary difficulty.

NEXT STEPS

How Edge can help

1. A relaxed conversation. At home or over the phone, in plain English. We talk through who you trust, what matters most to you, and whether you need one LPA or both.
2. Fixed, transparent pricing. Our fee is agreed before you commit to anything, with no surprises later on.
3. Professionally drafted and explained. In 2023–24, 50,918 LPA applications were rejected by the OPG for errors such as signing in the wrong order or using an invalid certificate provider (Witherden, 2024). We check every page before anything is submitted, so yours isn't one of them.
4. Signed, witnessed, stored. We guide you through the signing and witnessing, submit the application to the OPG, and show your attorneys how to prove their authority online through the OPG's "Use a lasting power of attorney" service (GOV.UK, 2024).

A will only takes effect after you die. An LPA only applies while you are alive, and ends on your death (GOV.UK, 2024). Between them, they cover both.

Get in touch: 01883 723310

Visit our website for more information: https://edgelp.co.uk

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IMPORTANT INFORMATION

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