

Fact Sheet - Becoming an “Attorney” – Health and Welfare

An attorney is the name given to a person who has been given the legal authority to make decisions on someone's behalf, when they have lost mental capacity. In order to appoint an attorney, a Lasting Power of Attorney (LPA) document must be completed and registered with the Office of Public Guardian.

As an attorney for someone's health and welfare, you may be required to deal with or make decisions about:

- Where they will live
- What they will wear and eat
- Their medical and healthcare treatment
- The contact they should have with other people

You will be able to act as the attorney, once the LPA has been registered, and only when the person has lost mental capacity.

If more than one attorney has been appointed, there will be an instruction for you to act jointly, or jointly and severally. If the instruction is to act jointly, then all attorneys must act together, and agree on any action to take place. If the instruction is to act jointly and severally, then the signature or action of one attorney is as valid as if they are the only attorney.

When you are appointed as an attorney, it is your duty to always act in the best interests of the donor (the person who appointed you as their attorney). You can only do things that the donor has authorised you to do, and you are not able to ask anyone to carry out any of your duties without authorisation.

If the donor wants to cancel the LPA, they can do so at any time – whilst they still have mental capacity. Alternatively, if you no longer wish to act as the attorney, you may cancel it by completing a simple form and sending it to the Office of Public Guardian.

The LPA will automatically come to an end when the donor passes away.

Contact us if you have any questions or queries regarding your role as an attorney, or if you wish to appoint an attorney for your own Health and Welfare.

