

# Changes to the system of Enduring Power of Attorney from 1 October 2007

The Mental Capacity Act 2005 is being fully implemented in England and Wales from 1 October 2007. The Act introduces a number of changes in the way:

- people can plan ahead for a time when they may not have mental capacity
- decisions are made on behalf of people who lack mental capacity

**One of these changes is that from 1 October 2007 Enduring Powers of Attorney (EPA) can no longer be made. Instead, they will be replaced with a revised type of power called a Lasting Power of Attorney (LPA).**

The changes to be introduced on 1 October 2007 should not prevent you from taking the necessary action now to plan for the future.

- Properly executed EPAs made prior to 1 October 2007, will continue to be valid after that date, both for registered and unregistered use.
- After 1 October 2007 the donor can revoke an existing EPA and replace it with an LPA if they have the necessary mental capacity to do so. However, the donor does not have to take this course of action, if they do not wish to do so.
- A donor may have an EPA and after 1 October 2007, if they have the necessary mental capacity, could decide to make an LPA as well to cover personal welfare issues or to cover financial issues.

An LPA will, like an EPA, allow a donor to nominate one or more attorneys to make decisions should they lose the mental capacity to do so themselves. The donor will be able to make two types of LPA :

- Property and affairs, similar to an EPA.
- Personal welfare, which can include provisions for giving or refusing consent to medical treatment in circumstances where the donor has lost the capacity to make such decisions themselves.

**You cannot, however, make a valid LPA until on or after 1 October 2007**, and it is emphasised that forthcoming changes should not prevent you from taking the necessary steps now to make sure your wishes are put in place to provide for the future.

Further information about EPAs, LPAs and the Mental Capacity Act 2005 is available on the PGO website  
[www.guardianship.gov.uk](http://www.guardianship.gov.uk)



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