

Scotland

Same principle:

Next of kin cannot make financial decisions without a Continuing POA.

Next of kin cannot make welfare decisions without a Welfare POA.

Professionals will consult family members, but no one has automatic authority.

If there's no POA, relatives must go to the Sheriff Court for a guardianship order.

Northern Ireland

The law is strict:

Your next of kin have no legal authority over finances unless there is an EPA.

If there's no LPA and finances need managing, family must apply for controllership through the Office of Care and Protection.



Power of Attorney Day is a national campaign to raise awareness about power of attorney in the UK.



Wednesday 22 April 2026

Visit powerofattorneyday.org.uk to find out more and get involved.



Power of Attorney Day -
Carers UK, 20 Great Dover Street, London SE1 4LX
powerofattorneyday.org.uk

Registered charity number 246329 (England & Wales) and SC039307(Scotland)
Company limited by guarantee registered in England and Wales number 864097



Power of attorney - your questions answered

What is a power of attorney?

A power of attorney is a legal document that lets you appoint someone to make legal decisions or take actions on your behalf should a time come when you are unable to.

Why do I need it?

A power of attorney lets someone you trust make decisions or act on your behalf if you can't. It gives you control over who acts for you and can save time, money, and stress for your loved ones.

Who can get one?

Any adult (18+ in England and Wales and Northern Ireland, and 16+ in Scotland) with the mental capacity to understand what they are signing can make a power of attorney.

You do not need to be unwell or elderly – just able to make your own decisions at the time of signing.

When is the best time to think about a power of attorney?

The best time to think about a power of attorney is before you actually need one – while you're healthy, have capacity, and are not under pressure.

Why do I see different names and acronyms for power of attorney?

There are different types of power of attorney in England and Wales, Scotland, and Northern Ireland. In summary:

England and Wales have lasting power of attorney (LPA).

There are two different types: Property and Financial Affairs LPA and Health and Welfare LPA.

Scotland has Continuing Power of Attorney for property and finances and Welfare Power of Attorney for health and personal welfare. These are often combined into one document and referred to as Power of Attorney (POA).

Northern Ireland has enduring power of attorney (EPA). This only covers property and financial affairs.

How much does it cost?

Nation	Cost	Discounts/exemptions
England and Wales	£92 per lasting power of attorney (LPA) to register with the Office of the Public Guardian (so £184 if you create both a health and welfare and a financial LPA).	Some people qualify for fee reductions or exemptions based on income or benefits: www.gov.uk/government/publications/applying-for-a-reduced-fee-for-your-power-of-attorney
Scotland	£96 per document (for continuing and/or welfare powers of attorney). However, if you register both together, the total registration amount is still £96.	There are certain circumstances where you may be entitled to claim a fee exemption: www.publicguardian-scotland.gov.uk/meta1/fee-exemption
Northern Ireland	£180 is the standard fee to register an EPA with the Office of Care and Protection.	

In **England, Wales** and **Northern Ireland**, some people use a solicitor to help prepare the forms and fees will vary.

In **Scotland** some people use a solicitor to help prepare the forms and fees will vary. You do not strictly need a solicitor to draft a Power of Attorney (PoA) but you must have a solicitor or a qualified medical doctor sign a Schedule 1 certificate to certify that you understand the document.

The person I care for lacks capacity to make a power of attorney, but I still need to make decisions on their behalf. What are my options??

If a person lacks the mental capacity to make decisions about their power of attorney, including who their attorneys would be and what powers they would have, they cannot make a power of attorney.

Without a power of attorney in place, you may face some barriers in managing their affairs or making decisions on their behalf.

If you need legal authority to make certain decisions on behalf of the person you care for, you may need to:

- apply to the Court of Protection for a deputyship order (England and Wales)
- apply to the Sheriff Court for a guardianship order (Scotland)
- apply to the Office of Care and Protection to become a Controller (Northern Ireland).

Won't my next of kin have the same rights?

In short, no. In the UK, 'next of kin' has no automatic legal rights to make decisions for you. This is one of the biggest misunderstandings around.

Here's what that actually means in the different nations:

England and Wales

Financial decisions:

Your next of kin cannot access your bank accounts, pay bills, manage property, or deal with pensions without a registered LPA. Banks will not recognise 'next of kin' as authority.

If you lose capacity and have no LPA, your family must apply to the Court of Protection for a deputyship – a long and costly process.

Health and welfare decisions:

Being next of kin does not give legal decision-making power. Doctors and social services make decisions based on 'best interests.' They will consult family members, but family cannot legally override decisions.

Only a Health and Welfare LPA gives someone the clear right to decide about:

- medical treatment
- life-sustaining treatment (if authorised)
- where you live
- daily care.