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Lasting powers of attorney in Jersey

SEPTEMBER 2024

Lasting Powers of Attorney (LPAs) were made available to Jersey residents when the Capacity and Self Determination (Jersey) Law 2016 came into force in October 2018.

LPAs work separately to your Will and allow you (as the 'Donor') to appoint one or more people to act as your attorney/s and enables them to make decisions on your behalf and communicate your wishes when you are no longer able to do so.

There are two types of LPA:

1. Health and Welfare

A Health and Welfare LPA will only ever be used once you, as the donor, are considered to no longer be able to make decisions yourself. Your attorney will be able to make decisions in relation to your daily routine, such as where you live and your diet, medical treatment and choices, and you can also give them the ability to give or refuse consent to the termination or continuation of life-sustaining treatment.

2. Property and Affairs

This type of LPA enables your attorney to do anything that you, as the donor could lawfully do for yourselves in relation to your property and financial affairs, although the power to make gifts is limited. It can be used for decisions such as paying general utility bills, claiming benefits, managing investments and selling or renting your home. There is also an option under this type of LPA to enable your attorney to act while you still have capacity – for example if you are off-island or in hospital, or practicalities simply mean it is more convenient for them to do so.

Appointment of attorney/s

There is no limit on the number of attorneys that you may appoint but you should note that appointing several attorneys to all act jointly may cause practical difficulties. You can also appoint a replacement attorney/s who will take the place of an attorney who is unwilling or unable to act as your attorney.

As the donor, you also have the ability to decide whether multiple attorneys must act jointly, so that they must always make decisions together, or whether multiple Attorneys can act on a joint and several basis, so that they may make decisions on their own or together, which offers more flexibility and is more practical. You can also decide if they must make certain decisions together, and other decisions by themselves.

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You can also provide instructions to your attorney/s or note down your preferences in your LPAs in order to provide detail on how you would like them to act for you and what you would like them to consider when making decisions for you.

How can Collas Crill help?

We recommend that LPAs are considered at the same time as a Will is put in place or amended as you cannot put LPAs in place once you have lost capacity. We can guide you through the process, provide advice on the best options for you and prepare and register the LPA forms.

For more information and a fee quote please contact our experienced Wills and Probate team, who will be more than happy to assist you.

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COLLAS CRILL

For more information please contact:



Arcadius Gregory

Senior Associate* | Jersey

t: +44 (0) 1534 601612 | **e:** arcadius.gregory@collascrill.com

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