

LASTING POWER OF ATTORNEY - WHY MAKE AN LPA?

A Lasting Power of Attorney is a versatile and useful legal document. It enables you to appoint a person or a number of people (your attorneys) to act on your behalf or help you to make decisions.

There are two types of Lasting Power of Attorney (1) Health and Welfare, and (2) Property and Financial affairs.

WHICH LPA IS SUITABLE FOR ME?

Our solicitors will discuss with you your needs and options to enable you to choose which LPA(s) best suit your requirements.

Property and Financial Affairs: this is the most common type of LPA and enables your attorney(s) to do things on your behalf like pay bills, deal with standing orders or direct debits, sell property, withdraw money from your account and handle investments for you. A Property and Financial Affairs LPA can be used by your attorney(s) with your permission as soon as it has been registered.

Health and Welfare: this enables your attorney(s) to decide where you live, the type and location of care you receive and whether to continue or discontinue with life-sustaining treatment. A Health and Welfare LPA can only be used by your attorney(s) if you lack capacity to make the decision yourself.

HOW DO I MAKE AN LPA?

You will need to choose your attorney(s). You can choose more than one attorney. You cannot choose someone subject to a debt relief order or is bankrupt for a Property and Financial Affairs LPA.

If you choose more than one attorney you will need to decide whether they are to act jointly (they should all agree on the decision) and/or severally (the attorneys can make decisions on their own or with the other attorneys).

WHO CAN BE MY ATTORNEY(S)?

Your attorney can be your spouse, partner, relative(s), friend(s) or professional(s) and should be 18 years or over and have the mental capacity to make their own decisions.

When choosing an attorney think about:

- How well they look after their own affairs
- How happy they will be to make decisions for you
- How well you know them
- If you trust them to make decisions in your best interests

You cannot choose someone subject to a debt relief order or is bankrupt for a Property and Financial LPA (but can for a Health and Welfare LPA).

If you are making both types of LPAs, you can appoint the same attorney(s) for both LPAs.

REPLACEMENT ATTORNEY(S)

When you make your LPA you can nominate other people to replace your attorney(s) if at some point they cannot act on your behalf.

PERSONS TO BE NOTIFIED

You can nominate an independent third party(ies) to be informed that you are making an LPA. This can give you some confidence in knowing that there is some measure of accountability for your chosen attorney.

CERTIFICATE PROVIDER

You will need to select a “certificate provider” who can sign the LPA to confirm you understand what you are doing and entering into the LPA of your own free will, with a good comprehension of the implications and consequences of doing so.

The certificate provider can be a legal advisor, medical practitioner or other close friend.

WHEN & HOW CAN MY ATTORNEY USE THE LPA?

An LPA cannot be used by your attorney(s) until it has been registered with the Office of the Public Guardian. Our advice is to register the document once it has been prepared and signed.

You can include guidance and restrictions within your LPA. For example, you could include a restriction that your LPA is not to be used until a medical practitioner has certified you are no longer able to manage your affairs.

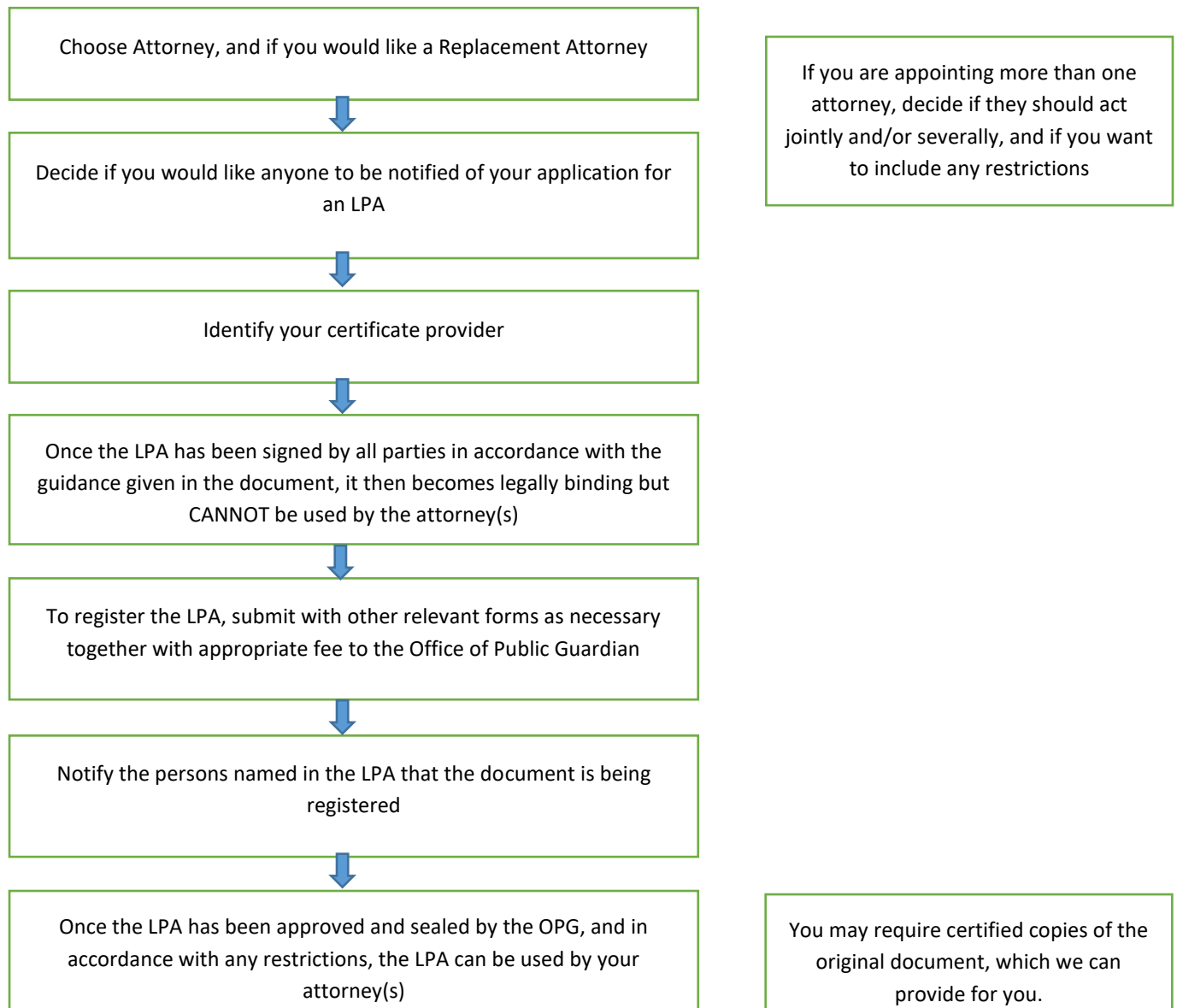
CAN I REVOKE (END) MY LPA

You can end your LPA provided you still have mental capacity, even if it has been registered

If your attorneys are acting for you whilst you have capacity, but you are concerned as to their actions you can revoke your LPA.

Your LPA will end if all your attorney(s) have died or lost mental capacity.

The Basic Lasting Power of Attorney Process



Please note that the above is a basic process.

Complications can arise in some case but our experienced lawyers will explain and advise you accordingly.

Timescales will depend on the level of complexity and how the Court deal with the application(s).

In some circumstances additional applications may be required, which incur additional legal fees.