

## LASTING POWERS OF ATTORNEY

A Lasting Power of Attorney (LPA) can provide peace of mind that a trusted friend or relative will step in and take care of your affairs on your behalf if you suddenly had an accident or illness that left you incapable of doing so.

### **What is a Lasting Power of Attorney?**

An LPA appoints one or more adults (an Attorney or Attorneys) to assert legal authority and take control of your affairs if the unexpected happens and you lose mental capacity. The LPA must be registered at the Office of the Public Guardian to be valid.

### **What do we mean by lacking mental capacity?**

'Capacity' means the ability to understand information and make decisions about your life. It can also mean the ability to communicate these decisions. A person can lack mental capacity for a range of reasons, for example due to a disability or illness, dementia or a mental health problem.

### **What LPAs can I make?**

#### **1. Property and Financial Affairs LPA**

This gives your Attorney(s) authority to manage your property and financial affairs on your behalf. The financial LPA can be used both when you still have capacity to act, as well as if you lack mental capacity to make financial decisions.

The property and finance LPA can be used to pay bills, sell or purchase a house or to collect income/benefits on your behalf. This LPA is often useful when you may be unable to get to a financial institution such as a bank due to mobility difficulties, your location or even during a short stay in hospital for example.

#### **2. Health and Welfare LPA**

This gives your Attorney(s) authority to make decisions about your personal welfare which might include things like:

- your daily routine – for example, washing, dressing and eating
- medical care
- moving into a care home
- life-sustaining treatment

***Important point to note:*** The health and welfare LPA can ***only*** be used if you lack mental capacity to make a decision about your health and welfare.

## **Things you Should Know About an LPA**

- It gives the Attorney(s) the same power over your affairs that you would have but the document can limit this authority as much or as little as you wish.
- You can limit the circumstances in which the powers to make these decisions come into effect.
- You have the choice of who you wish to appoint as Attorney which prevents a stranger from making the decisions about your affairs.
- The registration process takes between 10 - 12 weeks – therefore it's important to have one or both in place in case the worst was to happen.

### **What happens if I don't have an LPA and I lose capacity?**

Someone who is already supporting you to manage your finances and property and affairs could apply to the Court of Protection to be appointed as your deputy.

The process of becoming a deputy is a lot more time-consuming and expensive than an LPA. A deputy must also do some things on an ongoing basis, such as paying an annual fee and submitting an annual report, so it is usually easier for someone to be an attorney rather than a deputy.

For further information regarding deputyship applications and the related application fees please see <https://www.gov.uk/become-deputy> or contact our Wills and probate department.

### **Taking Legal Advice About an LPA**

An LPA is a powerful legal document so it is vitally important to get proper advice in order to fully protect your interest and ensure you have fully understood the implications of the powers you are delegating to others.

### **The Cost**

We charge a standard fee for the package which includes completing the relevant documents and attending to registration at the Office of the Public Guardian. These are outlined below.

Single person – one type of LPA only	£595 plus VAT
Single person – both types of LPAs	£795 plus VAT
Couple – one type of LPA for each	£795 plus VAT
Couple – both types of LPAs for both	£995 plus VAT

In addition to the above there is also a registration fee of £92.00 per LPA which is payable to the Office of the Public Guardian but there is both a full and partial reduction that you may be eligible for depending on your annual income or eligibility to certain benefits.

We would be happy to advise you about Lasting Powers of Attorney, the procedure involved and the costs. Please contact our Private Client department on 01606 48777 for more information or to make an appointment.