

Explaining Lasting Powers of Attorney

About

Lasting Powers of Attorney

What is a Lasting Power of Attorney (LPA)?

An LPA is a legal document by which you appoint people you trust (your attorneys) to make decisions on your behalf. There are two types of LPA:

A Property and Financial Affairs LPA allows your attorneys to make decisions about your financial matters, including paying your bills, investing your money or selling your house.

A Health & Welfare LPA allows your attorneys to make welfare (including living arrangements) and healthcare decisions on your behalf. This can extend to giving or refusing consent to life-sustaining treatment.

When can an LPA be used?

Once signed, an LPA should be stored safely (e.g. with your Will). It may never be needed, but you will have peace of mind that, if you become unable to manage your affairs, you have chosen who should look after such matters for you until your death. An LPA can only be used after it has been registered with the Office of the Public Guardian (OPG) but it is possible to do this immediately, so that your LPA can be used as soon as the need arises.

Can you still control your own property and affairs?

Yes. The appointment of attorneys simply means that there is someone to assist if you cannot cope. If the LPA has been registered with the OPG, you can ask your attorneys to help you with financial paperwork or take responsibility for your property and affairs at any time. Registration does not prevent you dealing with your affairs if you are able and wish to do so.

Who should be your attorneys?

They should be people you know well, trust to make decisions in your best interests and who are happy to take on the role. You can choose family members, friends or anyone else willing to act for you, provided they are over 18. You may want to appoint your solicitor together with a family member, to share the burden. It is usually better to appoint more than one person to ensure that your affairs can be looked after even if one of your attorneys is unable to act.

Safeguards

You need to include at least one person who will be notified when your LPA is registered. This is to protect you. You also need to choose a certificate provider. This person has to certify that you fully understand what you are doing.

What are the potential problems if there is no LPA?

LPAs were introduced because if people are unable to make decisions on their own behalf it can result in financial, legal and emotional problems for them and their family. For instance, if you become mentally incapable and have not appointed attorneys, your finances could be frozen until the Court of Protection appoints a Deputy to manage your finances. You would have no control over who was appointed and family and friends do not automatically have the right to take over your affairs.

For further information, please contact:

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Information needed to complete your Lasting Power of Attorney

Your details

Your title (Mr/Mrs/Miss/Dr)

Surname

First, all middle names and any other names by which you are known

Date of birth

Current address
(including postcode)

Telephone number
(including mobile number)

Email address

Occupation

Details for first attorney

Title (Mr/Mrs/Miss/Dr)

Surname

First, all middle names and any other names by which they are known

Date of birth

Current address
(including postcode)

Telephone number
(including mobile number)

Email address

Occupation

How do you know your attorney?

Details for second attorney

Please provide details of other attorneys on a separate page

Title (Mr/Mrs/Miss/Dr)

Surname

First, all middle names and any other names by which they are known

Date of birth

Current address
(including postcode)

Telephone number
(including mobile number)

Email address

Occupation

How do you know your attorney?

Persons to be notified

This person will be notified when your LPA is registered and is someone that you trust will look after your interests if they have concerns about your attorneys. This person cannot be one of your attorneys. You can choose up to five people to be notified; please detail others on a separate sheet.

Title (Mr/Mrs/Miss/Dr)

Full name, including all middle names and any other names by which they are known

Telephone number

Current address
(including postcode)

Certificate provider

This person is required in order to confirm that you understand what the LPA is and what it does. The certificate provider cannot be an attorney nor a member of your family or your attorneys' families.

Title (Mr/Mrs/Miss/Dr)

Full name, including all middle names and any other names by which they are known

Current address
(including postcode)

How do you know this person?