

LASTING POWERS OF ATTORNEY

A Lasting Power of Attorney (LPA) allows you to choose someone you trust to make decisions on your behalf (e.g. a close family member or friend). You can choose more than one person and they can either act together or together and independently.

There are two types of LPA:

- Property and Financial
- Health and Welfare

Property and Financial LPA

This LPA allows your attorneys to make decisions on your behalf relating to your financial matters and your home as well as any other property you may own.

You can authorise your attorneys to act on your behalf when you have capacity to make decisions yourself (e.g. if you are travelling), as well as when you lack the ability to make decisions for yourself.

Health and Welfare LPA

This LPA allows your attorneys to make decisions on your behalf only when you lack the ability to make decisions for yourself in relation to your health and welfare.

Your attorneys will be able to make decisions for you in respect of matters such as medical treatment. You can authorise your attorneys to give or refuse consent to life sustaining treatment.

Registration and Use of LPAs

LPAs can only be used by your attorneys once they have been registered with the Office of the Public Guardian. There is a registration fee of £82 per LPA. The registration process takes 16-20 weeks, so we recommend registering the document immediately after it has been prepared so that your attorneys are in a position to act.

Bear in mind that your attorneys must always act in your best interests and where possible consult you and involve you in the decision making process. There are certain decisions your attorneys cannot make (e.g. changes to your Will) or are limited to make (e.g. gifts).

What happens without an LPA

If you do not have a valid LPA and in the future you lack the ability to make decisions yourself, your friends or family members may be able to work with professionals to make health and welfare decisions for you but no financial decisions can be made. Any financial accounts in your sole name will be frozen and partners/children have no automatic rights to deal with these.

Instead your friends or family members may have to make an application to the Court of Protection for the authority to deal with your affairs under a Deputyship Order. The Court fees alone for an application for a Deputyship Order is £371 with further fees for additional matters. Court applications may take between 3-18 months.

Cost

Barr Ellison has a team of experienced professionals to assist you in the preparation and registration of LPAs. Please get in touch to discuss our charges for the preparation and registration of simple, straightforward LPAs.

If your matter is urgent or more complex, we will need to speak with you before providing an estimate.