

# LASTING POWERS OF ATTORNEY

**WHY | WHAT | HOW?**

# LASTING POWERS OF ATTORNEY

You may already have a Will in place, so why do you need a Lasting Power of Attorney (LPA)? What does it cover and how do you set it up?

Pardoes Solicitors provide information and guidance on LPAs and how they work, helping you to plan ahead and ensure you're in control of what happens to you at any stage of your life.

If you would like further information about LPAs or making your Will, please contact our team at your local Pardoes office.

“Everything you said and did removed our worries and stress. The service was exemplary. Thank you.”

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## Why should I complete a Lasting Power of Attorney?

At some point in the future, you might need someone to make decisions on your behalf for a number of different reasons. You might be hospitalised for a short period and need help managing bill payments. Or you may have a long-term illness or suffer from dementia and be glad to have put appropriate arrangements in place.

An LPA is a legal document that enables you to specify who you would like to manage your affairs should you require assistance in the future. This person (or people) will be known as your Attorney. You can appoint more than one **Attorney** – they must be aged 18 or over, mentally capable and they must not be bankrupt.

If you do not have an LPA in place and you are unable to make decisions for yourself, it will fall to a relative or friend to apply to the **Court of Protection** to be appointed on your behalf as a **Deputy**. Deputies can make decisions regarding property and finance, but only in exceptional circumstances will the Court grant a Deputyship for health and welfare. The process can be very difficult, time-consuming and costly and the court may appoint someone you wouldn't of wanted or chosen.

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## What type of LPA do I need and what does it cover?

You can set up an LPA for either your property and financial affairs or your health and welfare, or both.

### **LPAs for property and finance**

Your Attorney(s) can act when you give them permission or will step in when you can no longer deal with your own affairs.

Responsibilities might include:

- Paying the mortgage on your home.
- Renting or selling your home.
- Repairs to the property.
- Paying utility bills.
- Managing your bank account and/or pension.

### **LPAs for health and welfare**

Your Attorney(s) can only make decisions for your health and welfare when you are no longer able to do so yourself. These might include:

- Where you live.
- The medical treatment you receive.
- Who has contact with you.
- The activities you can participate in.

It is your Attorney's responsibility to inform your family and friends when they start acting on your behalf.

### **If you are a business owner**

If you are a business owner then you might also want to consider what would happen to your business if you were unable to make decisions. You shouldn't assume that a family member or colleague will automatically be able to make decisions on your behalf and to protect your business, its clients and employees you ought to consider a further LPA to deal solely with your Business interests. This is separate from your property and finance LPA.

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## When do I do it?

In order to create your Lasting Powers of Attorney, you need to have sufficient capacity. Many people leave this until it is too late and have to face the difficulties that come with having to deal with the Court of Protection.

## How do I go about it?

Completing an LPA can be quicker and simpler with professional help. Not only do we prepare the documents for you ensuring they adhere to your wishes, but we also ensure that these are properly signed by all of the relevant parties as well as liaise with the Office of the Public Guardian on your behalf.

- Get in touch with our specialist Private Client team and we will arrange a meeting to discuss your individual needs.
- At the meeting, we will take you through the issues you might wish to consider, recording any specific instructions.
- Before proceeding, we will provide you with a quote without obligation for your approval. Upon quote approval, we will send you a draft LPA to review and check that all details are correct.
- Once you are happy with the content of the LPA, we will prepare final versions for you to sign. We will go through the document fully to confirm that you understand it before signing.
- We register the signed LPA with the Office of the Public Guardian, which can take up to 12 weeks. LPAs must be registered before they can be used.

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### **Free Legal Guidance**

If we can help you with a legal question, why not book onto one of our free Legal Helplines? We hold the Helpline every Monday between 4-6pm giving you expert legal advice without obligation. Visit us at [pardoes.co.uk](http://pardoes.co.uk) or call your local Pardoes office for more information.

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