



LASTING POWERS OF ATTORNEY AND EXISTING ENDURING POWERS OF ATTORNEY

Most people will find that, at some point in their lifetime, they will need the help of others to manage their finances and they may also need assistance with decisions relating to health and welfare. Help may be needed due to physical infirmity or loss of mental capacity or both. Mental capacity may be lost gradually as is usually the case with dementia or suddenly as a result of stroke, heart attack or injury. Lasting Powers of Attorney (LPAs) allow you to decide who is to assist you and who will make decisions for you if you become unable to make those decisions for yourself.

PROPERTY AND FINANCIAL AFFAIRS LPA

This type of LPA allows your Attorney to manage your property and finances. Examples of the things that your Attorney may do under the Power of Attorney are:-

- buying or selling property on your behalf;
- opening and closing and operating bank/building society accounts and other investments;
- claiming and collecting benefits and pensions on your behalf;
- dealing with your bills; and
- making limited gifts on your behalf (e.g. modest birthday, wedding or anniversary gifts)

HEALTH AND WELFARE LPA

This type of LPA allows your Attorney to make decisions about medical treatment and other care decisions. This could include:-

- giving or refusing consent to medical treatment; and
- deciding where you are to live who is to provide the care that you need
- Arrangements needed for you to be given medical, dental or optical treatment
- Dealing with assessments for the provision of community care services
- Rights of access to personal information about you

REGISTRATION OF LPAS

Before the LPA is completed it is necessary for a Certificate to be signed by someone who is able to confirm that you understand the LPA and before the LPA can be used it must be registered with the Office of the Public Guardian. The registration process can take around two months or longer during busy periods. It is usually, therefore, advisable to register the LPA as soon as possible so that it is ready for use whenever it is needed.

CHOOSING THE ATTORNEYS

It is important to take care when choosing who to appoint as your Attorneys. Attorneys must be over 18 and may be a family member or friend or even a solicitor. The person or people that you choose must have the ability to look after your finances and to make informed and compassionate decisions about your care. It is essential that you choose someone who you believe to be completely honest as a dishonest attorney could abuse their power and use the LPA to steal from you.

HOW MANY ATTORNEYS SHOULD I APPOINT?

Although it is sensible to appoint more than one Attorney in case one of them is on holiday or unable to act due to ill health it is vitally important that all of your chosen attorneys are able to work together and to co-operate with each other, alternatively, you may choose to appoint only one attorney with one or more replacements who would step in if your original attorney became unable to continue.

MAKING DECISIONS FOR YOU

Your Attorney must take all practical steps to help you to make any decisions that need to be made. If you are able to make the decision for yourself you can still ask your Attorney to help you to put the decision into effect e.g. to assist you by completing forms or by talking to someone on your behalf but where you are able to make a decision for yourself your Attorney should only act as you have instructed them.

Your Attorney should always assume that you have the ability to make a decision for yourself unless they have established that you cannot and, even if it is felt that you do not have the ability to make a decision for yourself, your Attorney must still consult with you before making the decision on your behalf so that your views can be taken into account.

If it is difficult for you to make your own decision your Attorney should assist you as much as possible to help you to make that decision for yourself and should only consider making the decision for you if you cannot make the decision even with help and support.

WHAT WOULD HAPPEN IF I DON'T MAKE AN LPA?

If you do not appoint someone to take these decisions for you then, if you become unable to make decisions for yourself, Social Services, Doctors and even the Court of Protection may

have to step in to make decisions which they feel are in your best interests. By making a Power of Attorney you are able to choose who you would like to make those decisions for you and to provide your chosen person with the necessary legal authority to do so.

You may only make an LPA if you are able to fully understand how the LPA works and the extent of the power that you are giving to your Attorneys. If you wait until the LPA is needed it may be too late for you to make one as you may not have the necessary understanding to do so.

ENDURING POWER OF ATTORNEY (EPA)

Enduring Powers of Attorney (EPAs) made before 1 October 2007 are still valid but since that date no new EPAs can be made. If you have made an EPA and you decide that you would like to change the Attorneys it will be necessary to make a new LPA appointing the new Attorneys and the previous EPA will be cancelled.

You may also make an LPA for Health and Welfare to run alongside an existing EPA as EPAs only cover property and finances.

CANCELLING POWERS OF ATTORNEY

You can cancel your Lasting Power of Attorney at any time provided that you have the mental capacity to do so. If either you or your Attorney becomes bankrupt, however, the LPA for Property and Financial Affairs will end. Bankruptcy does not terminate a Health and Welfare LPA.

FURTHER INFORMATION

If you require any further information or you would like to make an appointment to make a Will please do not hesitate to contact the Private Client Department at LDJ Solicitors on 024 76745000.

FEES

Creation and Registration of a single Power of Attorney for one person

Our Legal Fee:	£450.00
Plus VAT (20%):	£90.00
Office of the Public Guardian Registration Fee:	<u>£82.00</u>
Total:	£622.00

Creation and Registration of both Powers of Attorney for one person

Our Legal Fee:	£600.00
Plus VAT (20%):	£120.00
Office of the Public Guardian Registration Fee: £82.00 x 2	<u>£164.00</u>
Total:	£884.00

Creation and Registration of a single Power of Attorney for couples

Our Legal Fee:	£600.00
Plus VAT (20%):	£120.00
Office of the Public Guardian Registration Fee: £82.00 x 2	<u>£164.00</u>
Total:	£884.00

Creation and Registration of both Powers of Attorney for couples

Our Legal Fee:	£800.00
Plus VAT (20%):	£160.00
Office of the Public Guardian Registration Fee: £82.00 x 4	<u>£328.00</u>
Total:	£1,288.00

If you are in receipt of certain means tested benefits, you will be entitled to a full exemption from the Office of the Public Guardian registration fee.

If your gross annual income is less than £12,000, you will be entitled to a partial exemption from the Office of the Public Guardian registration fee. The fee will be reduced by half and would be £41.00 per LPA being registered.

