

Why Have an LPA?

Wills | LPAs | Probate

Lasting Power of Attorney (LPA)

Why should I bother with an LPA?

What would happen if through mental OR physical incapacity you suddenly lost the ability to make decisions for yourself or deal with your own financial affairs?

Your family and friends only concern should be looking after you and getting the care that you need; whether it is to find you the right care home or the medical treatment you need and deserve.

But how are they going to pay your bills, access your money, make insurance claims and generally deal with your affairs?

Legally, unless there is a registered EPA* (Enduring Power of Attorney) or LPA in place only you can deal with your affairs.

What is an LPA?

LPAs replace the previous system of EPAs. They give an individual (your Attorney) the legal right to look after your financial affairs or health and welfare if you can't or don't want to.

They are NOT just for the elderly; younger people may become incapacitated too, through accident or illness.

There are 2 types of LPA:

1. **Property and Financial Affairs** – allows your Attorney to deal with decisions about money matters e.g. paying bills, buying/selling your property, investing your money.
2. **Health and Welfare** – allows your Attorney to deal with healthcare decisions e.g. medical treatment, what you should eat, where you should live.

An LPA is like an insurance document. It provides peace of mind that somebody can deal with your affairs if you can't.

*EPAs are only valid if they were signed prior to 1st October 2007 (date in which LPAs came into force). If you have an EPA in place we can assist with the registration.

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What happens if I don't have an EPA or LPA?

If you are incapacitated and can't look after your affairs you still need to eat, pay bills etc.

Your loved ones who are financially dependent on you also need to eat, pay bills, pay the mortgage, pay possible care fees etc.

But without an LPA all your bank accounts are frozen (this may also include accounts in joint names) until somebody known as a 'Deputy' is appointed by the Court of Protection.

So why does this matter?

- Getting a Deputy appointed can take months and during that time nobody has access to any of your money.
- The Deputy appointed will be who the court considers to be in your best interest. It might not be who **YOU** would choose to deal with **YOUR** affairs.
- Restrictions may be put on the Deputy regarding what they can and can't do.
- The court will usually supervise the Deputy; this will involve an annual fee payable to the court and the Deputy reporting to them on a regular basis.
- It can be a **VERY** costly and cumbersome process.

When dealing with the incapacity of a loved one, failure to have a valid EPA or LPA can involve additional trauma and heartache at an already stressful time.

Don't make matters worse. Make it easier on those left to deal with your affairs by making an LPA.



Call if you would like help or advice about making an LPA - 0345 634 4185

Frequently asked questions

What's an Attorney?

The person/s who you wish to have the powers to deal with your affairs if you can't.

Can anyone be my Attorney?

Yes as long as they are over 18 years and have not been bankrupt. We usually recommend that you choose somebody you trust, such as family or a close friend. You can choose a professional if you wish but they will charge for their services.

Once I have made an LPA can my Attorneys use it straight away?

Before the LPA can be used it must be registered with the Office of Public Guardian. They currently charge £82 for this.

Can my Attorneys use the registered LPA even if I have not lost capacity?

The Health and Welfare LPA can only be used if you lose capacity. The Property and Financial LPA can be used while somebody still has capacity but you can restrict this if you wish.

How can I prevent my LPA being registered without me knowing?

The OPG will always send you notification if there is an attempt to register your LPA. In addition, you can choose for somebody else to be formally told that the LPA is being registered. This person is then given the opportunity to raise concerns.

Does anyone check that I have not been pressurised into making an LPA?

Yes, somebody must sign the LPA, either a professional e.g. GP or somebody who has known you for at least 2 years, to certify that you understand what you are doing and have not been pressurised into it. The person is referred to as your certificate provider.

Can I tell my Attorneys what they are allowed to do?

Yes, within reason. You can put instructions in the LPA, e.g. professional advice must be taken before making investments, which are legally binding. Or provide your preferences, e.g. what type of investments you prefer, which is not binding.



If you have any other questions please feel free to call us on - 0345 634 4185