

What you
should know about...

Lasting Powers of Attorney



Will and Probate
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Wills | Trusts | Estate Planning



Lasting Powers of Attorney (LPA) give you peace of mind that your assets are properly protected and that your care choices can be managed by someone you trust

On the receiving end... a case study

Frank Weston's life changed in a hundred ways when his elderly mother Grace suffered a major stroke. Unable to walk or communicate, she needed full-time care after leaving hospital.

Frank was left not only with the problem of caring for her as best he could, but also with managing her affairs.

Frank and Grace had always assumed that he'd be able to look after her finances if she became unable to do so herself. Now, however, she was deemed to be mentally incapable and therefore a Lasting Power of Attorney could not be sought.

Frank had to apply to the Office of the Public Guardian for the only alternative - appointment as a Deputy. This was a lengthy process lasting several months, during this time her assets were frozen. This meant that Frank had to raise all the funds Grace needed for care, transport, medical expenses and support.

Eventually, Frank was appointed a Deputy for which he had to pay a significant application fee and ongoing annual fees. After that, Frank had to suffer the indignity of regular statutory checks to prove he was looking after his mother appropriately.

"If only we'd arranged an LPA when she was healthy," said Frank, "all this distress, expense and worry could have been avoided. Since this happened, I've made sure I'm covered by an LPA so if the worst happens to me, no-one else in my family will have to go through what mum and I have endured."

**For further information call our experts on: 0161 731 0273
or visit our website: www.manchesterwills.co.uk**

What is Lasting Power of Attorney?

The LPA is a legal document that enables a person's trusted representative, known as Attorney, to oversee their finances and welfare. Dealing with money and welfare matters in old age or ill-health can be difficult and worrying, perhaps even impossible. Although you may nominate a Deputy to handle your affairs, this can be a lengthy and costly process. The simplest solution is for you (the donor) to appoint one or more Attorneys to manage your affairs on your behalf if you become unable to do so.

What can my Attorney do?

You can give your Attorney general authority to manage all your finances, including paying your bills, signing cheques, dealing with your bank, buying or selling property and making decisions on medical treatment. However, you are free to restrict the Attorneys power if you wish, for example, you may want to insist that they obtain medical evidence before they can use their powers or require them to account for their actions annually to a solicitor or relative.

Are there different types of LPA?

Yes, there are two different types:

A Property and Affairs LPA allows your Attorney to make decisions on your behalf about your property and affairs, including paying your bills, collecting your income and benefits or selling your house subject to any restrictions or conditions. It does not allow your Attorney to make decisions about your personal welfare.

A Personal Welfare LPA allows your Attorney to make decisions on your behalf about your personal welfare, including whether to give or refuse consent to medical treatment on your behalf and deciding where to live. These decisions can only be taken on your behalf when you lack the capacity to make them yourself, for example, if you are ill, unconscious or because of the onset of a condition such as dementia. It does not allow your Attorney to make decisions about your property and affairs.

‘Our experience of Will and Probate Services has been excellent, they are always happy to help. They are definitely specialists in Wills and planning for later life. The best thing about them is that they are much cheaper than local solicitors and offer a better service’

by G & S P Lincolnshire

When do my service powers become effective?

Once a property and affairs LPA is signed, you continue to handle your own financial affairs. If you prefer your Attorney to help you with them, then the LPA must be registered. However, once an Attorney believes that you are, or are becoming mentally incapable, they must register the LPA with the Office of the Public Guardian in order to take full control of your financial affairs.

A Personal Welfare LPA must also be registered before it can be used, the decisions can only be made on your behalf when you are unable to do so yourself.

What if I want to cancel the LPA?

Provided you are still mentally capable, you can revoke the LPA. Once the LPA is registered with the Office of the Public Guardian you would need medical evidence and the court's permission to revoke the LPA.

Who might need an LPA?

Most of us will be fortunate enough to live long lives, but we may not always be able to manage our own affairs. If you were to suffer significant physical or mental incapacity, an LPA could make your life much easier and less stressful for you and your loved ones, as well as protecting your interests. An LPA is a little like an insurance policy, you hope that you will never need it, but if you do, it's invaluable.

Who can advise an Attorney about their role?

Your Will & Probate Services advisor is happy to offer guidance to an Attorney, and detailed advice and guidance is also available from the Office of the Public Guardian.

Can Attorneys charge for their services?

Professional Attorneys are entitled to charge for their work. If you appoint a friend or family member as Attorney, they may claim reasonable out of pocket expenses.

How do I make an LPA?

The LPA is an official form must be completed and signed by the donor and Attorneys in the presence of a witness. It also needs to be certified and must be registered with the Office of the Public Guardian before it can be used. Your Will & Probate Services Advisor can guide you through the whole process simply and swiftly.

What happens when I die?

When you die, the LPA is no longer valid and the powers of your Attorneys end.

Ensure your assets are properly protected and that your care choices can be managed by someone you trust. Call today on 0161 731 0273

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