

Lasting Powers of Attorney

WHAT IS A LASTING POWER OF ATTORNEY (LPA)? - An LPA is a legal document that allows you to give someone authority to make decisions on your behalf. There are two types – one that deals with property and finance and another to deal with health and welfare.

WHY SHOULD I MAKE ONE? - If you lose the capacity to make decisions for yourself and do not have an LPA, it may be necessary for someone to make an application to the Court of Protection to act on your behalf and this can be both costly and time-consuming. By making an LPA, you can choose who you wish to give that authority to. That person can also help you if you have mental capacity but are unable to physically deal with your affairs e.g. if you are in hospital.

'BUT EVERYTHING IS HELD JOINTLY WITH MY SPOUSE/PARTNER' - If one joint account holder loses capacity, banks are duty-bound to protect that person and can therefore freeze the entire account. A property and finance LPA means that the attorney can act in their place and the account can remain active

'I DON'T WANT SOMEONE ELSE TO HAVE COMPLETE CONTROL OVER MY AFFAIRS' An LPA can only be used once it has been registered and you can specify that you only want registration to take place if you no longer have the capacity to manage your own affairs. You can also appoint more than one attorney and require them to agree on all decisions for an extra level of protection. If there are certain things you do not want your attorney to deal with, you can put restrictions on the LPA.

Hopefully you will never be in the position where you are unable to manage your own affairs but making an LPA means that you have control over who can make decisions on your behalf and the decisions that they can make and ensure there is no financial hardship on your family or close friends due to you being incapable of dealing with your finances should you become incapable of managing your affairs.

Making a Lasting Power of Attorney is usually a fairly straightforward procedure we will ensure that we understand your individual situation and aims and will advise you on the wide range of possibilities. If you have any queries or wish to instruct us to prepare the LPA on your behalf please contact Su Wilson on 0151 203 1482 or email suwilson@forsterdean.co.uk