

How can we help you?

Lasting Powers of Attorney

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They demonstrated strategic thinking throughout the process of setting up Powers of Attorney.

The Legal 500

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) allows you to choose one or more trusted people as your attorneys, to help manage your affairs or make decisions on your behalf if you are unable to do so.

Why do I need an LPA?

Loss of mental capacity can happen at any time due to an accident, illness, age-related disease, temporary incapacity or substance abuse.

Due to our ageing population, the number of people in the UK with dementia is expected to rise.

If you lose capacity without an LPA in place, your family or friends would need to apply to the Court of Protection which then decides who can act on your behalf. This is called a **deputyship**.

Deputyship applications can be time-consuming (often taking several months), expensive and stressful. There is also an ongoing administrative burden and additional costs, such as the annual court fee.

It is important you put in place an LPA so decisions about your personal affairs remain in the hands of people you trust, giving peace of mind to both you and your family.

Types of LPA

There are two types of LPA:

- 1. Property and Financial Affairs** – this allows your attorneys to deal with your property and finances.
- 2. Health and Welfare** – this enables your attorneys to make decisions about your health, medical care and ongoing general wellbeing.

LPAs must be registered with the Office of the Public Guardian before use; registration takes several weeks and a court fee applies.

I already have an Enduring Power of Attorney. Do I need an LPA?

An Enduring Power of Attorney (EPA) made before 1 October 2007 can still be used but only for your property and financial affairs. You may need to review it to:

- check you are happy with who you have chosen as your attorneys
- consider how attorneys can act and if there are any restrictions placed on them

Some financial institutions no longer accept unregistered EPAs and we recommend LPAs are made instead.

What is the difference between the two types of LPA?

Property and Financial Affairs LPA

Under a Property and Financial Affairs LPA your attorneys can:

- buy, sell and maintain your home or other properties
- pay your rent, mortgage and household expenses
- open, close and use your bank, building society or other accounts
- manage, buy or sell your investments
- claim, receive and use on your behalf benefits, pensions and allowances
- deal with your tax affairs
- pay your care fees and apply for any entitlement to funding

Your attorneys can help you with these activities, if you have capacity, with your consent.

An English LPA may not be recognised in other countries and is generally limited to English assets. We can advise on cross-border capacity planning and work with advisers in the relevant jurisdictions, based on where you live or hold assets.

Health and Welfare LPA

Under a Health and Welfare LPA, your attorneys can make decisions about:

- where you live - e.g. whether you should stay in your own home with support or move in to residential care
- day-to-day matters such as what you wear, your diet and how you spend your day
- medical treatment
- life-sustaining treatment (subject to your express instructions in your LPA)
- care services, including the facilities and the type of care you receive in a care home or nursing home
- who can visit and have contact with you

Your attorneys can help you with these activities only after you have lost capacity.

Please contact us to discuss your Powers of Attorney. Our dedicated team will advise on how to structure your affairs efficiently, plan for the future, and ensure your wishes are carried out.



Contact us or visit our website to find out how we can help you.

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