



How do Lasting Powers of Attorney work?

LPAs enable you to choose the people who will look after all your financial affairs, and who can make decisions on your behalf about your health and welfare, if you become unable to do so for yourself. If you wish to appoint others to deal with both your finances and your welfare, then you have to have two separate Powers. One is for financial decisions and the other for health and welfare decisions.

If your mental capacity fails and you do not have a valid financial LPA, nobody can deal with any financial matters for you until the Court appoints a Deputy to do so. This can be a lengthy and expensive process. Similarly, in the absence of a valid health and welfare LPA there will be no-one who can make these decisions for you until the Court appoints a Deputy to do so.

LPAs cannot be used until they have been registered with the Office of the Public Guardian (the OPG). If you have a valid LPA which is signed and registered with the OPG, your Attorneys can make decisions for you or put your decisions into effect straightaway. If not, even if you were still able to sign a new LPA at such a time, your Attorneys would not be able to do anything on your behalf for several months while the document is registered with the OPG.



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Lasting Powers of Attorney





What are Lasting Powers of Attorney?

Lasting Powers of Attorney (LPAs) enable you to appoint someone to sign documents or make decisions on your behalf. You can appoint more than one "Attorney" if you wish. There are many reasons why you might want to do this, and sometimes you can make suitable arrangements at the time help is needed. However, if you become unable to sign documents due to failing physical or mental health, it may already be too late to make proper arrangements for this. Therefore, it is wise for everyone to have LPAs in place to cover these possibilities.

LPAs come in two types, each dealing with different issues:

- Property and Affairs - under which your Attorneys can look after your financial arrangements.
- Health and Welfare - under which your Attorneys can make decisions about your care and medical treatment if you cannot make those decisions for yourself.

If I have an Enduring Power of Attorney do I need an LPA?

Your Enduring Power of Attorney (EPA) remains valid and can be activated at any time. However, EPAs can only deal with your financial affairs. You can sign an LPA to cover health and welfare decisions to run in parallel with your EPA.

If I become mentally incapable without a property and affairs LPA or an EPA, who will deal with my financial affairs?

A friend or relative will need to apply to the Court for permission to act on your behalf. This will take much longer and be more expensive than activating a property and affairs LPA or an EPA.

If I become mentally incapable without a health and welfare LPA, who will decide upon my care needs and medical treatment?

A friend or relative will need to apply to the Court for permission to act on your behalf. Until then, the medical authorities and Social Services may decide what is best for you.

Do I have to register my LPA straight away?

Yes: it is better to do so. While you can leave the document unregistered, an LPA can only be used once it has been registered with the Office of the Public Guardian ("the OPG"). This process will take several months. Your Attorneys will not be able to do anything for you under the LPA during that period. This delay could create serious problems in the administration of your affairs.

If you would like further information about Lasting Powers of Attorney please contact one of our specialist advisers. Contact details are shown overleaf.