

Lasting Powers of Attorney (LPA)



What is an LPA?

An LPA is a legal document where a person (the 'donor') gives another person or persons (the 'attorney(s)') authority to make certain decisions on his or her behalf. It continues to be in force even if the donor becomes mentally incapable of managing his or her own affairs.

Types of LPAs

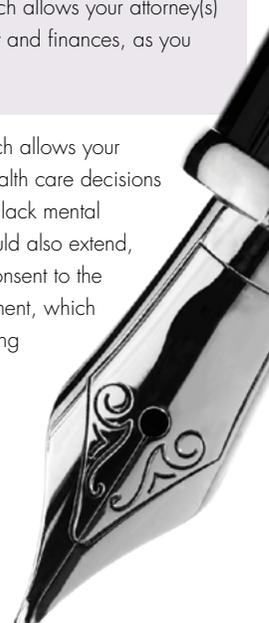
There are two types of LPAs:

1

Property and Financial Affairs: which allows your attorney(s) authority to deal with your property and finances, as you specify; and

2

Health and Personal Welfare: which allows your attorney(s) to make welfare and health care decisions on your behalf, but only when you lack mental capacity to do so yourself. This could also extend, if you wish, to giving or refusing consent to the continuation of life sustaining treatment, which may avoid the need to make a Living Will/Advance Decision.



Why should I make an LPA?

If you have any assets in your name but were incapable of managing your affairs, then your family or close friends would find it difficult to assist you without an LPA in place. As a result they would probably need to apply for a Court Order asking to be appointed to deal with your affairs, during which time they would not have any access to your assets. This process is extremely lengthy and expensive and it is up to the Court as to who is appointed.

Would it not therefore make sense to prepare for the future and have an LPA in place in case you were incapable of managing your own affairs?

Did you know that you can authorise your attorney(s) to act on your behalf under the Property and Financial Affairs LPA even if you have mental capacity?

Heckford Norton have a specialist team who can provide you with advice and guidance as to who to appoint as your attorney(s) and what powers you could grant your attorney(s).

What if you have an Enduring Power of Attorney?

Any valid Enduring Power of Attorney made before 1st October 2007, will continue to be valid but only in respect of your property and financial affairs. If you wish to give authority over your health or welfare you will need to make a Health and Personal Welfare LPA.