



# Dickins Hopgood Chidley

SOLICITORS

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## Lasting Powers of Attorney

A Lasting Power of Attorney (“LPA”) allows you to appoint an attorney to look after your affairs if you become incapable of doing so. It can only be made in advance, by a person who is still capable of making decisions.

### Why make a Lasting Power of Attorney?

If no provision is made, and you lose capacity to make decisions for yourself, there would be no-one with legal authority to manage your affairs. The person wanting to help you with this task would have to apply to the Court of Protection for a deputyship order. Whilst we are happy to assist with this, it is a time-consuming and expensive process, and means that your appointee can do nothing until a Court Order is made. The person wishing to be appointed may not be the one you would have chosen!

If an attorney has been appointed in advance, and the document registered, they may carry out your wishes and act on your behalf without delay or further formality.

A Lasting Power of Attorney also helps relieve those close to you of responsibility for trying to guess what you would have wanted, and will help in the situation of there being conflicting views within a family, or indifference, as to the best way to care for you if you are unable to look after yourself.

### What is a Lasting Power of Attorney?

The Lasting Power of Attorney is a legal document which allows decision making to be delegated to your chosen



attorney or attorneys, so that they can make decisions for you when you are unable to do so.

There are two types of Lasting Powers of Attorney:-

#### 1. Property and Financial Affairs Lasting Powers of Attorney

A Property and Financial Affairs LPA enables your attorney to manage and sell your property, manage your bank accounts and investments, and pay bills on your behalf.

#### 2. Health and Welfare Lasting Powers of Attorney

A Health and Welfare LPA enables you to set out how you want to be cared for if you lose your mental capacity. It covers medical treatment, where you live, what sort of care you receive, and day-to-day decisions about your welfare.

### How do I make a Lasting Power of Attorney?

We will go through the forms with you

and help you to decide what type of power of attorney is right for you, and the conditions you wish to place on it. When the Powers are created, an independent person has to certify that you are signing it of your own free will and that you understand what you are doing. We can do this if appropriate. In some circumstances, a Doctor may be asked to certify the LPA.

The LPA then has to be registered with the Office of the Public Guardian before it can be used, even if the donor (the person making the LPA) still has mental capacity. As part of the registration process, at least one person can be notified of the LPA so that they can raise any concerns with the OPG. The registration process takes between 6 and 16 weeks, depending on the workload of the Office of the Public Guardian, so we recommend registering straight away, so that the LPA is available to be used as soon as it is needed.