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GUIDE TO MAKING A LASTING POWER OF ATTORNEY

We have prepared this brief guide to assist you when you come to make your Lasting Power of Attorney with us. This guide only touches upon some issues that we find clients often raise with us concerning their Lasting Powers of Attorney. Your Lasting Power of Attorney is a powerful document and therefore it is important that you obtain legal advice from a solicitor. With our experience in dealing with the Office of Public Guardian and the Court of Protection, we are able to guide you through the necessary forms.

FREQUENTLY ASKED QUESTIONS

1. What is a Lasting Power of Attorney?

It is a formal legal document that allows you to appoint someone (the attorney) to make decisions about your financial and healthcare issues.

2. Who can make a Lasting Power of Attorney?

Any person over the age of 18 and who has the mental capacity can make a Lasting Power of Attorney.

3. Are there two types of Lasting Power of Attorney?

There are two types of Lasting Power of Attorney:

- i) Property & Affairs; allows your appointed attorney to make a decisions about your property and affairs for example paying utility bills.
- ii) Personal Welfare; allows your attorney to make decisions about your personal welfare for example where you should live.

4. Can I appoint two attorneys?

Yes, you can. In fact you can appoint as many attorneys as you want, although they must be over the age of 18. If you are appointing attorneys under the Property & Affairs Lasting Power of Attorney they must not bankrupt.

5. Can my daughter/son make a Lasting Power of Attorney on my behalf?

Only you can make the Lasting Power of Attorney.

6. My son lives in France can he still be an attorney?

Yes he can, but consider whether it is suitable for him to be an attorney. What would happen if an emergency arose and the attorney was needed at once.

7. Can I use my Lasting Power of Attorney once all relevant parties have signed it?

No, the Lasting Power of Attorney must be registered with the Office of Public Guardian before it can be used. The registration process involves completing separate forms and

submitting the registration fee.

8. How much do you charge for making a lasting Power of Attorney?

This really depends on your individual requirements but as a guide a single Lasting Power of Attorney will cost £350 plus VAT, this includes completion of the registration forms. This fee does not include disbursements such as the Office of Public Guardians registration fee.

THINGS TO CONSIDER

Below we detail the main points you should think about before you come and see us to make your Lasting Power of Attorney:

1. Who do you wish to be your attorney?
2. If your attorney is unable to act, do you want to appoint a replacement attorney?
3. Do you want more than one attorney/replacement attorney?
4. Do you want your attorneys to act together or together and independently?
5. Do you know your attorney's full name and address?
6. Do you want people to be notified when the Lasting Power of Attorney is registered?

GLOSSARY

Donor	This is the person making the Lasting Power of Attorney
Attorney	This is the person who you have nominated to look after your affairs.
Replacement attorney	This is the person who will look after your affairs if your first nominated attorney is not able to act.
Named persons	These are people you have listed as to be notified when your Lasting Power of Attorney is to be registered.

We hope the above assists you and do not worry if we have not mentioned something that you are concerned about - just ask us!

CONTACT US

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