## 

**Lasting Powers of Attorney**

## Introduction

A Lasting Power of Attorney (LPA) is a document giving someone you trust the authority to act on your behalf and make decisions if you lack physical or mental capacity.

**What is an attorney ?**

A person chosen to act on your behalf or make decisions on your behalf is called an attorney. You can appoint one or more than one attorney. You can also name replacement attorneys. Any attorney must be known to you and be trustworthy as attorneys are given extensive powers under the LPAs. Anyone appointed as an attorney should have the necessary skills to manage your affairs. If you appoint more than one attorney you need to make sure they get along and will be able to work well together.

**Types of LPA’s**

**.** Property and financial affairs

**.** Health and welfare

**Property and financial affairs**

This can be used while someone still has mental capacity (but can be limited to be used only if capacity is lost). Financial attorneys can act on your behalf and make decisions relating to your finances and property such as paying bills, buying and selling property, buying and selling shares etc. Attorneys should make sure that they keep their financial affairs separate from yours and should keep an account of money spent on your behalf as the court can make enquiries at any time.

**Health and personal welfare**

Health attorneys can only make decisions once a person has lost mental capacity, the decisions can be about medical care, where you live, what treatment you have, whether you can be resuscitated or not etc.

**Validity and registration of LPAs**

You cannot make an LPA unless you have the mental capacity to do so. If there is any doubt about capacity a doctor’s certificate would be required. It is also important that it is clear you have not been coerced into making an LPA or put under any pressure to create it.

Once the LPA is created, it must be registered with the OPG before the attorneys can use it. The registration process on average takes 8 to 10 weeks. The OPG registration fee is £82 for each LPA that you put in place. You may be eligible for a reduction of fees or may not pay any fees at all, if you receive certain benefits.

If you have an older, Enduring Power Of Attorney (EPA), it remains valid, but attorneys are under an obligation to register it with the OPG if they think you are becoming or have become mentally incapable. EPAs only cover financial affairs. Therefore, if you wish to give authority over your health or welfare you must make a Health and Welfare LPA.

**What if you do not have and LPA or EPA in place ?**

If you do not have an LPA or EPA in place, and lack capacity to manage your own financial affairs, your next-of-kin will have to apply to the Court of Protection to appoint a “Deputy” to make decisions on your behalf. This process takes at least six months to complete, even in a straightforward case.

**Our fees for completing LPAs :**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Property & Financial | | | |
|  | Fee | Inc VAT | OPG | Total |
| One person | £650 | £780 | £82 | £862 |
|  |  |  |  |  |
| Couple | £750 | £900 | £164 | £1,064 |
|  |  |  |  |  |
|  |  |  |  |  |
|  | Health & Welfare | | | |
|  | Fee | Inc VAT | OPG | Total |
| One person | £650 | £780 | £82 | £862 |
|  |  |  |  |  |
| Couple | £750 | £900 | £164 | £1,064 |
|  |  |  |  |  |
|  |  |  |  |  |
|  | Both | | | |
|  | Fee | Inc VAT | OPG | Total |
| One person | 750 | 900 | 164 | 1,064 |
|  |  |  |  |  |
| A couple | 1,500 | 1,800 | 328 | 2,128 |
|  |  |  |  |  |

Home visits are possible, but you should be aware that a further charge will be made for these.

### Who to contact for assistance?

If you require any further information about Lasting Powers of Attorney, then please do not hesitate to contact a member of our staff for an appointment. The members of our Personal Estate Planning Team are:

**Royston Office: 20A Market Hill Royston Hertfordshire SG8 9JG**

Head of Department: Daniel Whiddett

[danielwhiddett@pellys.co.uk](mailto:danielwhiddett@pellys.co.uk)

Trainee Solicitor : Steven Watkins

[stevenwatkins@pellys.co.uk](mailto:stevenwatkins@pellys.co.uk)

**Biggleswade Office : 2 London Road Biggleswade SG18 8EB**

Senior Solicitor Duncan Strachan

[duncanstrachan@pellys.co.uk](mailto:duncanstrachan@pellys.co.uk)

Legal Executive Teresa McCutcheon

[teresamccutcheon@pellys.co.uk](mailto:teresamccutcheon@pellys.co.uk)

**Saffron Waldron 10 Market Place Saffron Walden Essex CB10 1HR**

Solicitor Lucy Gold

[lucygold@pellys.co.uk](mailto:lucygold@pellys.co.uk)

**Telephone 01799 514 420 (main switchboard gives access to all offices)**

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