



LPA consultants

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Reasoning behind Lasting Powers of Attorney (LPAs)

If you want to appoint an Attorney through the LPA (Lasting Powers of Attorney) process then you must have the capacity to make that decision- this is set out in the Mental Capacity Act 2005 and is different to the tests required to prove that you had the capacity to make your Will into a Deed..

A Lasting Power of Attorney (LPA) costs £82 to register at the Office of the Public Guardian (OPG). If you miss your chance and lose capacity your family will have to apply to the Court of Protection. The Court charges £385 to consider your Deputy's application plus £100 to assess you if you've not been a Deputy before and then charges £320 per annum to supervise your Deputy.

Lasting Powers of Attorney must be completed in a set order.

Read S8 Legal Rights and Responsibilities.

The Donor signs first the Certificate Provider second and the Attorneys sign third.

If you need to post the documents to the Attorneys and they then post them back to you the process may take weeks. Lastly sign S15 and post it to the Office of the Public Guardian who by law have to wait 3 weeks before processing. You may so expect to receive your registered LPA in quarter 2 rather than quarter 1 so it's best to get started 6 months before your bank needs it.

Your LPA will fail if your Attorney dies or terminates their appointment. It's robust to appoint a Replacement Attorney as well as even appointing 2 Attorneys in parallel at the same time but whoever you choose only appoint individuals you trust. If you leave it you may be too late and be unable to make new LPAs or at least not have Attorneys registered when you actually need them.

Business owners of all ages should have Attorneys appointed to protect themselves in the event of illness or an accident. How much could you achieve from a hospital bed? While it may take more than one quarter to register an Attorney through a LPA it's more likely to be three quarters before the Court of Protection (COP) appoints a Deputy to manage your affairs for you.

A Health and Welfare Attorney can speak to Doctors as if they were you. They can therefore bridge the gap between the NHS and Social Services ensuring an appropriate home care package is in place as you leave hospital so you do not flounder when presented with the challenge of resuming life outside.

Most (say 50%) LPAs are registered by individuals aged between 60 and 80 however the need for them actually depends on the downside of you being hospitalised and unable to attend to your day to day needs. Property & Finance LPAs can enable your Attorneys with general as well as lasting powers so they can go to the bank for you while you retain the capacity to make decisions.

You may make the choice to notify individuals you are getting your LPAs registered. These may object but are only allowed to cite prescribed or factual reasons. As an example; a bankrupt could not be your Attorney for Property and Financial Affairs. Attorneys acting beyond their authority or against the Donor's best interests may also expect objections to be made to the OPG or COP.

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Compliant with the IPW Code of Practice

