

The importance of making a Lasting Power of Attorney (LPA):

We all make thousands of decisions each day, from what to wear, what to eat, where to go and what to do. However, have you ever thought about what will happen if you lose the ability to make decisions for yourself? Who will make the decisions on your behalf?

What is an LPA?

An LPA is a binding document which gives another person or persons (your Attorney/s) authority to act on your behalf if you lose capacity and are unable to do so yourself. There are 2 types of LPA's; Property and Financial which appoints an Attorney to deal with your bank accounts, bills, property and pensions; and Health and Welfare, which appoints an Attorney to make decision regarding your health and wellbeing, such as medical treatments or future care needs.



4 reasons why you should have an LPA

1. It allows you to stay in control

With an LPA you can choose people you know and trust to act as your Attorney(s) and make decisions on your behalf if you lose capacity in the future. Contrary to popular belief, if you lose capacity, your family members are not automatically entitled to make decisions regarding your legal matter and personal affairs. If you lose capacity without an LPA, you miss the opportunity to exercise control over who takes on the role of managing your affairs. Instead, you will have no control over who is appointed as your Deputy, by the Court of Protection. Additionally, you can outline certain preferences and instructions in your LPA and your Attorney(s) should follow these wishes.

2. It saves costs and time

Making an LPA is considerably cheaper than bringing a Deputyship application; it currently costs £82 to register an LPA, whereas the fee to bring a Deputyship application is currently £365. In certain circumstances, you may be entitled to a relief or exemption from the LPA registration fee. Creating an LPA not only saves your family the hassle of strict court protocol, but it also costs less in time and money than the entire Deputyship process. Furthermore, an LPA is reasonably quick to register, whereas bringing a

Deputyship application can be a lengthy process. Having a valid LPA in place helps your loved ones deal with your affairs much quicker.

3. It is legally binding

An LPA is not valid and cannot be used until it is registered with the Office of the Public Guardian. The registration can be done immediately after completion, or it could be stored safely without getting it registered, only to be used at the time of need. However, such delay in registration may have adverse consequences for the delay involved. Once the LPA is registered, it is a legally binding document and must be followed.

4. Protect your best interests

There are certain measures in place to ensure that your best interests are always protected. Firstly, your LPA must be signed by a 'certificate provider' who verifies that you are competent to make the LPA and that you understand what powers you are giving to your Attorney(s). Additionally, your Attorney must follow the Code of practice of the Mental Capacity Act 2005 and must act in your 'best interests' before making any decision on your behalf. Therefore it is important that they know your preferences.

Lasting Power of Attorney

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Health & Welfare Lasting Power of Attorney

Use this LPA to give someone you trust the power to make decisions about things like:

- Medical care
- Moving into a care home
- Life-sustaining treatment
- Your daily routine, for example washing, dressing, eating.

It can be used if you are temporarily unconscious due to illness or an accident and continues to be effective if you are unable to make your own decisions long-term.

Property & Finance Lasting Powers of Attorney

Use this LPA to give someone you trust the power to make decisions about money and property for you, for example:

- Managing a bank or building society account
- Paying bills
- Collecting benefits or a pension
- Selling your home
- Liaising with HM Revenue & Customs on your tax

It can be used as soon as it is registered with your permission and continues to be effective if you are unable to make your own decisions.

How can Hannah Solicitors help?

At Hannah Solicitors, we understand that losing mental capacity is a real challenge which could impact your physical and emotional wellbeing while creating stress for your family members and loved ones. We can help safeguard your interests and give you peace of mind by offering expertly drafted LPA services to clients in need. Although we cannot predict the future, an LPA is something worth planning for. If you would like more information about LPAs, please contact our friendly team and experienced Private Client Team by phone on for Luton [01582 329 069](tel:01582329069) or for Rushden [01933 588 022](tel:01933588022) or by email at privateclient@hannahsolicitors.co.uk. Take advantage of our free 30-minute telephone/video consultations for all new clients.



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