

What is a Lasting Power of Attorney (“LPA”)?

There are two types of Lasting Powers of Attorneys:-

A **Property and Affairs LPA** enables you to appoint one or more attorneys to make decisions on your behalf as to personal finances and assets.

A Property and Affairs LPA may be used at any time, but it is also possible to stipulate that the LPA should only be used once you lack mental capacity.

A **Personal Welfare LPA** enables you to appoint one or more attorneys to make decisions about your personal welfare, healthcare arrangements and medical treatment. A Personal Welfare LPA can only be used if you are unable to make these decisions yourself.

What will happen if I do not have a Lasting Power of Attorney?

No problems will arise as long as you continue to have mental capacity.

If you have not made an LPA then the alternative will be for someone to apply to the Office of the Public Guardian for authority to act as your “deputy”. Any person appointed as a deputy will, once appointed, be able to take decisions as to your property and assets, but the likelihood is that the process by which that person is appointed and thereafter acts, is likely to be considerably more prone to delays and expense than would be the case if they could act as your Attorney.

It has been widely reported that many people have experienced considerable difficulties in their dealings with the Office of the Public Guardian which has led to unnecessary frustration and upset. By making a Lasting Power of Attorney this can be avoided.

For more information on Lasting Power of Attorney or other probate issues please contact Joanne Buckley on 01949 830803 or Emma Small on 01949 830815.

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