Hopley Pierce & Bird
solicitors

powers of attorney

Property | Family | Wills & Probate | Business | Tax Planning

Powers of Attorney – They are just as important as wills!

When making a Will you appoint executors to deal with your estate. However the executors' powers to deal with your affairs only arise upon your death.

What if you lose mental capacity during your lifetime - who can deal with your affairs then?

The answer is to appoint one or two trusted persons ('the attorneys') to deal with your property and finances, and also perhaps look after your personal welfare by completing powers of attorney. They are called Lasting Powers of Attorney (Property and Affairs) and Lasting Powers of Attorney (Personal Welfare) and are two separate documents.

An LPA (Property and Affairs) can come into effect immediately following registration at the Office of the Public Guardian. This means that someone who is still capable of making decisions, but perhaps through lack of mobility or for some other reason does not wish to deal with their own affairs can appoint someone else to deal with their affairs on a permanent or temporary basis.

An LPA (Personal Welfare) appoints someone to make decisions such as to where to live, personal care arrangements and decisions as to medical treatment. This LPA can only come into effect if and when the person has lost mental capacity to make his or her own welfare decisions, and has also been registered at the Office of the Public Guardian.

In both cases the person or persons appointed ('the attorneys') are required to make decisions in the best interests of the person who has granted them that power.

The person granting the LPA must have sufficient mental capacity to make the LPA. In the absence of mental capacity an application will then have to be made to the Court of Protection for the appointment of a Deputy. This is an expensive and time consuming business. It is better to complete an LPA while there is still mental capacity and not to leave it until it is too late.

Lasting Powers of Attorney are like insurance policies. We all hope they will never be required but we have the peace of mind of knowing they are there if needed.

We at Hopley Pierce & Bird are experienced in advising on and completing Lasting Powers of Attorney so if you are contemplating one please do not hesitate to contact us by telephoning on 01978-315100.

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