
Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) lets you appoint someone to make decisions on your behalf. It is usually used when someone is unable to make their own decisions, and needs to be made long in advance of this happening.

Anyone over the age of 18 can make a Lasting Power of Attorney. They are very practical and useful documents. LPAs ensure that should you be unable to make decisions for yourself, there is always someone chosen by you who can step in.

If you don't make an LPA then no one can automatically assume this authority, and the matter could end up going to Court. It would then be the Court who would decide who could act for you and this can be expensive and take a long time. This is the case, even if you have joint accounts with someone, such as your spouse.

There are 2 types of LPAs

- **Health & Care** -which lets you choose 1 person or more to make decisions about things like your daily routine (e.g. what to eat and what to wear), medical care, moving into a care home, refusing life sustaining treatment;
- **Financial** – which lets you choose 1 person or more to make decisions about money and property for you. For example, paying bills, collecting your benefits, selling your home.

It is important to remember that a Health and Care power can only be used if you become unable to make your own decisions; a Financial Power can be used at any time upon your direction, unless you say otherwise. As you can see, these documents are vital.

You can choose to make one or both of these LPAs and we can take you through the options available to you and the paperwork involved to make sure that you get it right. Making a Lasting Power of Attorney is different for every client and will depend on your own personal circumstances and concerns.

A Lasting Power of Attorney can only be used if it has been registered with the Office of the Public Guardian for which there is a fee.

It can take up to 8 weeks to register your Lasting Power of Attorney. You can cancel a Lasting Power of Attorney at any time, even if it has been registered, as long as you still have the capacity to do so.

What are Enduring Powers of Attorney?

Enduring Powers of Attorney (EPAs) were replaced in October 2007 by Lasting Powers of Attorney in England and Wales. They can still however be used if they were made and signed before October 2007.

If you have a EPA, you will need to consider making a Lasting Power of Attorney for Health and Care, because EPAs do not cover these types of decisions. Many people also chose to make new Finance Lasting Powers of Attorney because these documents are more flexible and your existing EPA may need to be reviewed in any case, as it will have been made some time ago.

What if I have business interests?

There are special considerations that need to be made if you have business interests. Please request our LPA factsheet for business clients, or telephone us for more information.

Our Charges

- Property & Financial Affairs £425 plus vat;
- Health & Welfare £425 plus vat;
- Both types – Property & Financial Affairs **and** Health & Welfare £600 plus vat

Our charges are for the preparation and registration of each LPA. So, if you are a couple doing both types of LPA, then the total fees would be £1,200 plus vat.

There is a small postage charge, as we send all of our LPA applications to the OPG by secure post for your peace of mind.

Registration Fee

The fee payable to the Office of the Public Guardian for registering each LPA is currently £82.

In some cases, you may be entitled to a fee exemption or reduction, dependant on your financial circumstances.

You do not have to register the document straightaway but we strongly recommend that you do.

If you'd like more information call [01904 866139](tel:01904866139)
or email hello@rochelegal.co.uk



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