



## Powers of Attorney

### What is a Lasting Power of Attorney

A Lasting Power of Attorney (LPA) is a legal document signed by you giving permission for someone else to deal with your property and financial affairs and make decisions for you. The person to whom you have given your authority (your attorney) can act in relation to your property and finances even if you subsequently become mentally or physically incapable of managing your own affairs. Alternatively or additionally, you can appoint someone to make decisions about your personal welfare. An attorney appointed to deal with health and welfare issues can only act if you are unable to make your own decisions.

### Why make a Property & Affairs Power of Attorney?

If you become confused and you have not made a LPA there will be no-one with your permission to access your savings to pay your bills or sell your property. It can also be used if you need someone to deal with your affairs temporarily, for example when you are abroad. However, it is important that you understand the complexity of the documents and you should consider making a LPA long before you need it, while you are still mentally alert.

### Why make a Health and Welfare Power of Attorney?

You might want to give permission for someone to make decisions for you of a personal nature at a time in the future when you are unable to make decisions for yourself, for example where you should live, what medication to give you or when to stop life-sustaining treatment. In some circumstances, in the absence of a Health and Welfare Power of Attorney doctors, nurses and others involved in your care will make their own decisions and will not accept instructions from those nearest to you.

### I am not old so why do I need a Power of Attorney?

The Lasting Power of Attorney document and procedure is relatively involved. You therefore need to be mentally agile to understand the benefits/risks and decisions you need to make, which might not be the case in your later years. Also, an LPA is not only useful when you are mentally unable to make decisions for yourself. The Property & Affairs LPA can be used if you are temporarily unable to deal with your affairs (for example, if you are in hospital). The Personal Welfare LPA can be prepared for a time when you are unable to make decisions about your welfare (for example your medical treatment) which could occur when you have had an accident or are suffering from an incurable condition

### Wills & Trusts Services

- Wills & Estate Planning
- Lasting Powers of Attorney & Registration of Enduring Powers of Attorney
- Trusts
- Deeds of Variation
- Probate & Administration of Estates Service
- Court of Protection applications

For further information on our Wills & Trusts services please contact:

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### Offices

Leigh  
Culcheth  
Newton



STEP members

Rebecca Stringfellow



## Powers of Attorney - continued

### Cost Advantages

If you have not made a LPA and you become too confused to make decisions for yourself, someone would need to be appointed by the Court. You would not be able to choose this person. The cost would be significantly higher than if you had made a LPA, the person appointed by the Court would be constantly monitored and there would be regular Court fees to pay. There would also be a significant delay before someone is appointed which can cause considerable difficulties to your family and friends.

### Enduring Powers of Attorney (EPAs)

Before October 2007 it was only possible to create a Power of Attorney for property and financial matters. These were called Enduring Powers of Attorney. If you have an EPA you would need to set up a Health and Welfare LPA to ensure that the decisions relating to your care can be made by someone you trust.

### Registration of an Enduring Power of Attorney (EPA)

If you completed a Power of Attorney before October 2007, it did not need to be registered before it could be used and many attorneys today are acting under the authority given by EPAs. However, if the person who set up the EPA (the Donor) becomes mentally incapacitated the attorney can no longer deal with the Donor's affairs unless the EPA is registered with the Office of the Public Guardian. We can deal with this process for the attorney. Once the EPA has been registered the attorney can continue to act.

This provides only a brief explanation of the advantages of making a Lasting Power of Attorney. If you would like further information, please contact a member of our Wills, Trust and Probate Team on 0845 330 5700 and we will be pleased to discuss this further with you.

Other services Dootsons can help you with

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For further information on our Wills & Trusts Services please contact:

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