



# LASTING POWERS OF ATTORNEY

A BRIEF GUIDE TO:

- Lasting Powers of Attorney
- When they can be used
- Why you might need one



## What is a Lasting Power of Attorney (LPA)?

An LPA is a legal document by which you can appoint another person or persons to make decisions on your behalf.

## What can an Attorney do for me?

There are two types of LPA:

**Property and Financial Affairs LPAs** under which you can appoint Attorneys to make decisions on your behalf about a wide range of financial matters including buying or selling property, dealing with investments, dealing with tax affairs, operating bank accounts and claiming benefits. An Attorney appointed under a Property and Financial Affairs LPA is restricted from making a new Will for you and in the gifts they may make on your behalf.

**Health and Personal Welfare LPAs** under which you can appoint Attorneys to make decisions about your living accommodation and care, your medical treatment (including life sustaining treatment), and basic daily decisions such as how you dress or what you eat.

You are able to restrict and/or offer guidance to your Attorneys in your LPA documents.

## Who can be my Attorney?

Your Attorney can be a close family member, friend or professional who you trust implicitly to act in your best interests.

You may appoint one or more Attorneys under either type of LPA. In addition you can also appoint a replacement Attorney or Attorneys to act in case your first choice Attorney is unable to act when needed.

## When can my Attorney act for me?

Before either type of LPA can be used they need to be signed by you, your Attorney(s) and a third person known as a Certificate Provider.

A Certificate Provider can be either someone who has known you very well for at least two years or a professional person who can certify that you are able to make an LPA.

Both LPAs will need to be registered with the Office of the Public Guardian before an Attorney can begin to act for you. This can either be done straight away or at a later date.

Under a Property & Financial Affairs LPA an attorney may act whenever you wish them to. However, an Attorney under a Health & Welfare LPA can only act when you have lost mental capacity to make decisions for yourself.

## What happens if I do not have a Lasting Power of Attorney?

If you lose mental capacity and are no longer able to make decisions about financial affairs yourself it is usually necessary to make an application to the Court of Protection for somebody to be appointed as your “Deputy” to make decisions on your behalf. This may not be the person you would have chosen and such an application will be costly and time consuming.

Your Attorneys are only responsible for your affairs whilst you are alive. An LPA is no substitution for having a Will.

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Contact our Private Client Department:  
McCarthy Webb Solicitors 01323 400530



## Services for you:

### PRIVATE CLIENT AND PROBATE

- Wills
- Probate
- Trust Administration
- Lasting and Enduring Powers of Attorney
- Court of Protection
- Care of the Elderly

### RESIDENTIAL PROPERTY

- Buying and selling
- Mortgages / Remortgages
- Equity releases
- Remortgage of existing equity releases
- Transfers of Equity
- Leases
- Declarations of Trust

### COMMERCIAL/CORPORATE

- Buying and selling - property
- Buying and selling - businesses
- Leases / Landlord and Tenant
- Mortgages / remortgages

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We promise a freshness of approach and we are totally professional and expert in everything we do. You will always be valued as a client, certain that your needs are really understood by our Principals and staff who will go the extra mile for you.

We are determined to exceed your expectations.

