WHAT IS A LASTING POWER OF ATTORNEY?

A Lasting Power of Attorney is a document that you can prepare that allows you to choose who manages your affairs if you can’t do it for yourself.

A Will deals with your assets and your wishes once you pass away. It does not provide for the situation where you are alive but incapacitated either through illness or injury and unable to manage your own affairs. A normal power of attorney and any authorisation given to a third party to deal with your affairs will also come to end at the point that you stop being able to make or understand decisions for yourself.

WHY SHOULD I HAVE A LASTING POWER OF ATTORNEY?

If you don’t have a Lasting Power of Attorney, your family or friends may have to go through a difficult and expensive process to obtain a court order from the Court of Protection for the legal right to make choices on your behalf. This order can often take up to 9 months to be granted and in the meantime, decisions about your care and/or your finances may remain on hold.

If the Court are required to appoint someone, it may be a member of your family or it may be Social Services. By making a Lasting Power of Attorney, you are ensuring that the people who make decisions for you in this situation, are people of your own choosing and are called your Attorneys.
CAN I JUST GET ONE WHEN I NEED IT?

You need to set up a Lasting Power of Attorney while you have the necessary capacity to do so. Unfortunately, by the time you need a Lasting Power of Attorney, it is likely that you will lack this capacity and so it will be too late to prepare the documents and your family will have to go down the Court of Protection route.

HOW DOES A POWER OF ATTORNEY WORK?

There are 2 different types of lasting power of attorney; one which deals with your property and financial affairs and the other which deals with your health and welfare.

The property and financial affairs LPA allows you to appoint someone to make decisions on your behalf regarding your finances and you can also give them the authority to sell or buy property on your behalf. They can pay bills, make sure that your finances remain up to date and that you have access to your own money.

The health and welfare LPA allows them to make decisions on your behalf in respect of medical treatment you may require and to arrange any care that you may need. You can also give your attorneys the authority to make decisions about life sustaining treatment if you want to.

You can appoint multiple Attorneys and have main and replacement Attorneys.

You do not have to make both types of LPA and they only take effect once they are registered. They do not have to be registered immediately, they can be registered at any time you choose including at the point that they are needed. Once it has been registered, your attorneys can use it straight away. They will need to produce the original document to any company they wish to correspond with but after that, they can access your money and deal with your affairs as easily as if they were their own.

There are no ongoing fees to pay by you or your attorney and no requirement to keep detailed records for audit as there is with a court order.

HOW DO I MAKE A LASTING POWER OF ATTORNEY?

The forms for making a Lasting Power of Attorney are available online for you to make yourself if you wish. Alternatively, UnionLine can assist you in preparing and submitting your Lasting Power of Attorney for registration.

You only pay the registration fee (currently £82 per LPA) to the Office of the Public Guardian at the point that you register. If you are on certain benefits or if your income is below £12,000 per year then you can get an exemption or a reduction on this court fee.
Factsheet - LASTING POWERS OF ATTORNEY

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✔ intestacy Chart
✔ Inheritance Tax
✔ Disabled Person Trusts
✔ Court of Protection
✔ Care Home Fees
✔ Probate

OTHER FACTSHEETS AVAILABLE INCLUDE:

Call: 0300 333 0303