

# Help is at hand

## Lasting Powers of Attorney – Property, Financial Affairs and Health and Welfare

### A guide to the legal management of other people's money or property, their health and welfare.

People can become unable to manage their own affairs or need assistance in doing so at any stage of life. An accident, physical ill-health or the onset of mental illness may make the every day routines of paying bills, writing cheques etc. both difficult and stressful and, in some cases, impossible. Help may then be needed with medical decisions too.

It is worth planning ahead. When someone becomes incapable of managing their affairs, it can be a very difficult time both for them and their family and friends. From both a practical and a financial point of view, it makes sense to consider appointing an Attorney under a Lasting Power of Attorney before that day arrives.

Family and friends do not automatically have the right to take over.

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

A Lasting Power of Attorney is a legal document, granting to a named person or persons authority to act on your behalf even if you become mentally incapable. One could regard the LPA as an insurance policy against problems which may arise in the future. If it is never put to use, so much the better, but it is there if it is needed.

#### Am I still in control of my affairs if I sign an LPA?

Yes. The completion of a Lasting Power of Attorney does not restrict your right to go on looking after your own affairs for as long as you are able. The appointment of an Attorney simply means that there is someone to take over if, and when, you cannot cope.

In order that your LPA can be used by your Attorney(s) it must be registered with the Office of Public Guardian. You can apply to register your LPA at any time after signing or your Attorney can apply should you lose your mental capacity.

#### Why is it needed?

It is unpleasant to contemplate that you may ever lose the ability to manage your own affairs. However, by signing an LPA, you can ensure that if this should ever happen, your affairs will be looked after by someone you have personally chosen who you trust.

#### What are the problems if no LPA has been signed?

There are occasions when a lack of an LPA can cause untold distress and create problems which could easily have been avoided.

Physical or mental incapacity may make it impossible for you to sign documentation or handle your financial affairs.

*continued overleaf*

**Whatever your needs, it will pay you to consult us sooner than later**

Unfortunately, your family will have no authority to help you by accessing your bank accounts to pay for your needs or to sell your house to pay for your care fees.

If a registered LPA exists then the Attorney can sign on your behalf, thus ensuring that your problems are urgently handled.

### The Court of Protection

If you become mentally incapable and have not appointed an Attorney, your finances will be frozen until the Court of Protection appoints a Deputy. The appointment of a Deputy is a lengthy procedure and it is expensive. The Court of Protection has continuing involvement in your affairs requiring annual administration fees and insurance premiums payable.

### Who can be your Attorney?

You can choose anyone providing they are over 18 and not bankrupt when they sign the LPA. However, in making your choice, you should bear in mind the considerable responsibility you will be placing on your Attorney's shoulders.

You may wish to appoint family members or a friend. If there is no immediate family then your solicitor can act as your Attorney.

### Can I have more than one Attorney?

You may appoint upto four Attorneys, to act at any time.

### What can my Attorney do?

Basically, your Attorney can do anything you could do yourself, unless you restrict his or her authority.

### What happens if I become mentally incapable?

When the person you have appointed becomes aware that you have lost, or are losing mental ability to manage your affairs, steps have to be taken to bring the arrangement into operation. If the LPA is registered it can be used immediately wherever necessary such as the bank, GP etc.

### What if I change my mind and wish to cancel?

You can cancel the Lasting Power of Attorney at any time whilst you remain mentally capable.

## What shall I do next?

If you wish to make a Lasting Power of Attorney then please contact our LPA Department and arrange an appointment to discuss your requirements. Home visits can be arranged for the elderly and/or infirm.



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Established in 1795, we've adapted to changing times and provide a service which recognises that solicitor's clients demand not only efficiency and to be kept constantly informed but also friendly and approachable treatment.

Wrigley Claydon try to combine all these attributes and, whilst using the very best of modern technology, remember that our clients are sensitive people, like us, often facing the most critical decisions of their private or business life.

With this in mind it is the philosophy of the firm to offer a warm welcome and a sympathetic and understanding service, as well as good advice and efficiency.

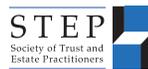
We also see it as our task not only to solve your problems but, wherever possible, to prevent them arising in the first place by providing sound and constructive advice on a regular basis, throughout your business or personal life.

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