



WOOLLEY, BEARDSLEYS  
& BOSWORTH LLP  
SOLICITORS

# An Overview of LPAs & Our Attorney Service

| Your guide on LPAs &  
Our Attorney Service



An important component in creating a life of financial freedom is to plan for the unpredictable, and to put measures in place to protect your future through the inevitable storms that can arise as life unfolds.

When those storms involve our own failing health, it's easy to suppose that it's part of our Plan that can wait until we're elderly and infirm. But the reality is that incapacity, long-term illness or a serious accident are events that can happen to anyone at any age. To take just one example, did you know that, on average, someone suffers a stroke every five minutes in the UK? And that around a quarter of those afflict people of working age?

If you contract any form of illness or condition that means that you can't manage your affairs – known as losing mental capacity – you are going to need someone to act for you, perhaps just for a few weeks, or possibly for the rest of your life. It's therefore essential that you plan ahead and make sure that the people you choose to act are ones selected by you, and not by a Court.

By arranging your LPA now, you get to choose who you want to act for you, and you can give them guidance as to your wishes in advance. This might include what bills to pay, how to deal with your investments, or the type of care you would like in the event of life-threatening illness.

## **What is an LPA?**

A Lasting Power of Attorney, known commonly as an LPA, is a legal document which specifies the people you want to act for you – your Attorneys – and the degree of authority that you are giving them. It gives that person, or persons, power to act on your behalf in the day-to-day management of your affairs, and allows them to make decisions about your money, your assets and your health and welfare that are in your best interests.

Knowing that someone you trust would be able to look after your affairs and ensure that your health and welfare are properly managed can be a great comfort, and it is a step that we believe everyone should take to protect themselves against the risk of failing health. Yet many people who are keen to make sure that they have written a Will fail to also provide for the (much more likely) event of their own incapacity. Arranging an LPA is the solution.

***The two types of LPA cover either Property and Financial Affairs or Personal Welfare. The two are completely separate, and if you have only one type of LPA, your attorneys will not have authority to make the sort of decisions permitted under the other type.***

Type of LPA	Property & Financial Affairs	Personal Welfare
<b>What does this LPA cover?</b>	A Property and Financial Affairs LPA gives your attorney the authority to deal with your assets and investments; your income and expenditure, your pensions and taxes. They may also buy and sell property on your behalf.	An attorney appointed under a Personal Welfare LPA may make decisions relating to your healthcare and welfare such as where you live, the care that you receive and aspects of your daily routine, such as your diet.
<b>When does this LPA take effect?</b>	This can take effect immediately after the LPA has been registered or you can also set it up so that it cannot come into effect until you lose the ability to make decisions on your own behalf.	A Personal Welfare LPA will only take effect if you lose mental capacity.
<b>What happens if I don't have this LPA in place and I am unable to make my own decisions?</b>	<p>A family member or, if necessary, the Local Authority, will have to apply to the Court for a Deputyship Order which will permit them to make decisions on your behalf.</p> <p>This process is complex and lengthy, and can be expensive as ongoing annual fees apply. It may also be necessary for the Deputy to make further applications to the Court for permission to act in the sale of a property, for example.</p>	<p>Decisions made about your personal welfare when you have lost mental capacity are usually made by the people who are looking after you such as carers, social workers and medical professionals.</p> <p>A Health and Welfare LPA is an important document which gives clear authority to your attorneys when dealing with GPs, carers and medical professionals on your behalf.</p>

## Do I need an LPA?

Whilst it's often the elderly who are seen as requiring an LPA, the protection that it provides means that you know what will happen should you become unable to make your own decisions at any age.

## What kind of things do I need to consider when making an LPA?

» An LPA is a powerful tool and you should give careful consideration to who you would wish to appoint as your attorney, as this person will be managing your LPA if it should come into effect.

» You can instate a replacement incase your attorney is unable to fulfill their duties.

» You have the ability to make the document more bespoke to your wishes. If you are not happy with what would happen by default, you can add text to the form to alter this.

» You will need someone to act as your Certificate Provider. This is someone whom you know personally (not a relative) or a professional who will certify your LPA to confirm that you understand the nature of the document, and also that you have not been pressured into making it.

## What is the process for registering an LPA?

Once your LPA has been prepared by your solicitor, it will need to be registered with the Office of the Public Guardian before it can be used. Registration may take about 8 weeks, so it is advisable to register the LPAs straight away so that there is no risk of delay should the document be needed.

When registered, a Property and Financial Affairs LPA can be used straight away if required. A registered Personal Welfare LPA can only be used when the Donor has lost mental capacity.

## What happens if I do not have an LPA?

Should you lose capacity or be unable to manage your financial affairs, someone, usually a family member or, if necessary, the Local Authority, will have to apply to the Court for a Deputyship Order which will permit them to make decisions on your behalf.

This process is complex and lengthy, and can be expensive as ongoing annual fees apply. It may also be necessary for the Deputy to make further applications to the Court for permission to act, for example in the sale of a property.



No-one likes to think that the day will come that they cannot manage their own affairs. With luck it may never happen. However, if the need does arise, having LPAs already in place affords real protection, particularly when those around you may be struggling to come to terms with your changed circumstances.

We can help provide you with more detailed information about LPAs and the role of the Attorney. This may be useful not only for you, but also for those close to you who may need assistance to make decisions on your behalf in the future.

### **Our Attorney Service**

Often people will ask members of their family to act as their attorney, but if you don't have a suitable family member, or you'd prefer a professional to act for you, that's where we can help.

Here at Woolley, Beardsleys and Bosworth LLP, we've been providing a bespoke service to our clients for decades. Our Legal Team will arrange to become your Attorney and ensure the decisions you make come to pass, should you become unable to make them yourself or make decisions for you if that's appropriate. We can give you lots more information about our service on request.

For further information about LPAs or our Attorney Service please get in touch with us as Woolley, Beardsleys and Bosworth LLP, part of Chesterton House.

We are happy to discuss your individual concerns and specific requirements for your LPAs so that we can prepare and register the LPAs that are most suitable for you.

You can call us on 01509 212266, email [legalenquiries@woolleybees.co.uk](mailto:legalenquiries@woolleybees.co.uk), or enquire through our website at [www.woolleybees.co.uk](http://www.woolleybees.co.uk).

Take our advice, and get this important protection in place now. No-one can predict the future, but at least you can face it with confidence knowing that your affairs will be looked after by people you trust.

The information in this factsheet is designed to give you information about each LPA. You should seek individual guidance from a professional for a LPA. This information may not be completely up to date and you should not rely on it when making decisions. This factsheet is provided for general information only and the contents should not be construed as advice.