

The top half of the page features a decorative design. On the left, there are two vertical bars: a wider orange one and a narrower magenta one. To the right, a grayscale image of a lotus flower is shown, with its petals and leaves rendered in shades of gray and blue. The text 'Lasting Powers of Attorney' is overlaid on the bottom right of this image area.

Lasting Powers of Attorney

The logo for CoffinMew consists of a stylized 'M' shape formed by three overlapping curved segments in orange, magenta, and blue, positioned above the letters 'IVM' in a bold, blue, sans-serif font.

CoffinMew 

Lasting Powers of Attorney

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) allows you to appoint someone you trust as your Attorney to make important decisions and sign on your behalf, either immediately, if you so wish, or only if you become mentally or physically incapable of doing so yourself.

There are two types of LPAs: a 'Property and Financial Affairs' LPA and a 'Health and Welfare' LPA.

By a 'Property and Financial Affairs' LPA you can appoint an Attorney to manage your property and finances. This can include running your bank accounts and finances, and buying, managing and selling investments and property on your behalf.

You can allow your Attorney to act on your behalf straight away, perhaps for your own convenience. Alternatively you can make the LPA now but specify that it can only be used at a time when you

do not have the capacity to administer your affairs yourself, perhaps as a result of an illness or accident.

A 'Health and Welfare' LPA enables your Attorney to make decisions regarding your personal healthcare and welfare. This can include where you live, who visits you and the type of care you receive. It can also include decisions regarding the refusal of life-sustaining treatment. Such decisions can only be made by your Attorney when and if you lack capacity, for example if you were ill, unconscious or because of the onset of a condition such as dementia.

What if I have an Enduring Power of Attorney?

LPAs replaced Enduring Powers of Attorney (EPAs) from 1 October 2007. If you already have an EPA then this will remain valid and effective, but it cannot be changed. If you need to change your EPA then you will have to make an LPA to replace it.

However, your Attorney under an EPA can only deal with your property and financial affairs. You may wish to make a 'Health and Welfare' LPA so that your Attorney can make health and welfare decisions for you.

Who can I appoint as Attorney?

You can appoint one or more Attorneys and they must be over 18. You can have as many Attorneys as you want but it might make it difficult in practice if you appoint too many.

Your spouse, children or other close relatives and friends can act, or a professional person such as a solicitor.

You can appoint Replacement Attorneys if one of your Attorneys dies before you.

It is essential that you choose people you trust as your Attorneys, but you can also place restrictions on or provide guidance to your Attorneys. Your Attorneys do not need to have any legal knowledge or training.

Where you have appointed more than one Attorney, you can appoint them "jointly" or "jointly and severally".

If you appoint your Attorneys "jointly", then your Attorneys need to make the decisions for you together and they must all sign everything.

If you appoint your Attorneys on a "joint and several" basis then your Attorneys can make decisions and sign on your behalf both jointly and independently of each other.

Alternatively you can authorise your Attorneys to make certain decisions "jointly" and other decisions "jointly and severally".

What is the role of a Certificate Provider?

A 'Certificate Provider' is required to sign the LPA to certify that the person making the LPA understands what it is, what authority it gives the Attorneys and that he or she is under no pressure to make it.

Briefing Notes – Lasting Powers of Attorney

A 'Certificate Provider' can be a professional person such as your solicitor, doctor or accountant, or anyone else who has known you for a period of two years or more and who considers that he or she has sufficient skill and expertise to be such a Certificate Provider.

If Coffin Mew is instructed to prepare your LPA we will also normally be prepared to be the Certificate Provider.

Registration of your LPA

Once the LPA has been signed by you, the Certificate Provider and your Attorneys, the LPA has to be registered with the Office of the Public Guardian (OPG) to be a valid document. Your Attorneys cannot start to act on your behalf until the registration is completed. This involves an application to the OPG, notice to certain people you have nominated and payment of a Court fee of £130 per LPA.

Why does Notice have to be given to anyone?

You nominate in the LPA who should be given notice. This is a safeguard for you and your Attorneys. Letting certain people know that you are making an LPA allows

them to raise any concerns or objections.

Can I cancel my LPA?

You can cancel your LPA as long as you have the mental capacity to do so.

General Do's and Don'ts for your Attorneys

Your Attorneys must assume that you can make your own decisions unless they establish you cannot do so. Your Attorneys will have to take all practical steps to help you make a decision.

An Attorney must always act in your best interests and comply with any restrictions or conditions that might be specified in the LPA.

What happens if I don't make an LPA and do not have an EPA?

If you lose the capacity to make decisions an application will need to be made to the Court of Protection to appoint a Deputy to make decisions and manage your affairs on your behalf.

The Deputy will act under the directions of the Court and you will need to pay various annual charges and fees. The application is both more costly and time consuming than

having an LPA in place and at such a time can be very stressful.

Furthermore, it could result in the appointment of someone you may not personally have chosen to take care of your affairs.

What do I do now?

If you have not already done so please contact us to arrange an appointment to discuss your particular circumstances and needs. We will advise you on the appropriate documentation for you. We can arrange to visit you in your home or elsewhere if you are for any reason unable to visit one of our offices.

For more details of our services or to arrange a meeting contact one of our team on:
023 9236 6005

Other Services

- Wills, including trusts for vulnerable beneficiaries, to protect assets and property interests and to save tax
- Trusts enabling the arrangement of affairs before and after death, preserving assets for the maximum benefit of the family
- Tax planning to maximise the saving of tax by Will or lifetime gifts
- Administration of Estates of the deceased under Wills or on Intestacy
- Assistance to the Elderly in the care of their affairs and finances
- Powers of Attorney for all purposes
- Living Wills (Advance Decisions) allowing you to express wishes for your medical treatment in the event of a life threatening accident or illness
- Will or Inheritance Disputes where it may be necessary to challenge a Will, or its administration, or to claim against an Estate where inadequate provision has been made
- Care Home advice
- Free will, LPA and deed storage



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