

TAKE FIVE

Your guide to LPAs
in five steps



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1. What are LPAs?

Lasting Powers of Attorney (LPA), particularly between spouses or parents and children, give peace of mind that decisions will be made in your best interests and by those you trust (your appointed Attorney), giving them the authority to act for you in the event you're unable to.

There are two types of LPA - one which deals with your **Property & Finances**, and one which deals with your **Health and Welfare**. You can have either or both types of LPA.

The Property and Financial Affairs LPA gives your Attorney(s) the ability to pay bills on your behalf, manage a bank or building society account(s), make customary gifts to family members on your behalf, collecting benefits or pensions and the buying or selling of property. Once registered this type of LPA can be used immediately so long as you consent.

The Health and Welfare LPA is only used when you have lost your ability to make decisions. It gives your Attorney(s) the authority to make decisions about your day-to-day care and moving into a care home. It can extend, if you consent, to giving or refusing the consent to the continuation of life sustaining treatment.

2. Who can you appoint as your attorney?

An Attorney can be anyone who is capable of making decisions and over the age of 18. We strongly recommend appointing someone that you trust as you are possibly giving them the authority to access your bank accounts and maybe decide of your day-to-day care.

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3. Is it safe?

Whichever LPA you have, your attorney must act within the law and in your best interests - it's not a free for all to run all aspects of your life and you can always let your attorneys know what your wishes are when drawing up the LPAs by giving them guidance and instructions.

Before you can register your LPA, a 'certificate provider' must sign the document. This is someone you have known for a minimum of two years or a person of professional standing such as a solicitor and they sign to confirm that you understand the power that you are giving and that you are not being pressured to make that power.

You can also put instructions and preferences in the documents requesting your attorney(s) to do, or not do certain things, such as dictate under what circumstances your home can be sold.

4. What happens if you don't have LPAs?

When someone becomes incapable of managing their own affairs or making decisions for themselves and they have not made an LPA or an Enduring Power of Attorney (an older type of document that deals with property and finances only), it may be necessary to make an application to the Court of Protection for a 'Deputyship Order'.

If you don't have an LPA, this can often be very costly, time-consuming and you may be leaving it up to the court to appoint the person responsible for managing your affairs (the "Deputy"). Therefore - always better to plan ahead.

5. What does it cost?

There is a registration fee of £82 per document when applying to register an LPA , plus our legal fees should you wish to instruct us.



Would you like to know more?

Please contact one of our expert lawyers in this sector:

[Penelope Munro](#) | [Karen Perugini](#) | [Gavin Smith](#)