

## **Lasting Power of Attorney FAQ**

- *Do I need a Solicitor to prepare Lasting Powers of Attorney for me?*

The role of an Attorney is an important one. It is important that you make the correct decision in respect of who you appoint and how you authorise your Attorney to act. If you do not understand the powers that you are giving to your Attorney, this will not prevent an LPA from being registered but it may mean that you can not make any amendments without incurring a further fee from the Office of the Public Guardian (the government body that registers and regulates LPA's). It can often be too late to rectify any mistakes without applying to the Court. We can guide you in choosing your Attorneys and the extent of the powers that you give them.

- *Who can act as an Attorney?*

Any person over the age of 18 years can act as an Attorney. This is a very responsible role however and it is important that the appointed Attorney is someone that you trust. Attorneys are usually family members however they can be professionals. Attorneys can only act when a Lasting Power of Attorney has been registered.

- *Can I put a Lasting Power of Attorney in place for a relative who has lost capacity?*

You can only prepare Lasting Powers of Attorney when you have mental capacity to do so. Sometimes it can be too late for example, when a person has been diagnosed with dementia. In that case, it would be necessary to make an application to the Court of Protection. This is called a Deputyship application and is a very lengthy process taking 12 months on average.

- *What are the "disbursements" for a Lasting Power of Attorney?*

There is an £82 application fee payable to the Office of the Public Guardian to register each individual Lasting Power of Attorney. Should for any reason your application need to be repeated, there is a £41 repeat application fee payable.

If you are in receipt of certain means-tested benefits when you apply to register your Lasting Power of Attorney, you won't have to pay anything – this is called an 'exemption'.

Equally, if your gross annual income is less than £12,000, you may be eligible for a 50% reduction of fees.

- *I have an Enduring Power of Attorney (EPA). Do I still need a Lasting Power of Attorney?*

Enduring Powers of Attorney were the system that was in place prior to the introduction of Lasting Powers of Attorney in 2007. If an EPA is still correct and valid, it can still be registered and used. It is important to be aware that EPA's only cover decisions regarding a person's property and financial affairs. They do not cover health and welfare decisions. For that reason, many people who have a valid EPA still choose to put a health and welfare LPA in place.

- *If I register my Lasting Power of Attorney now does that mean I can't make decisions for myself anymore?*

No. A Lasting Power of Attorney for health and welfare decisions can only be used when you have lost mental capacity. A Lasting Power of Attorney for property and financial decisions can be used either when you don't have capacity or when you do have capacity but make the decision to allow your Attorneys to be able to act.

- *How long does it take to register a Lasting Power of Attorney?*

We aim to complete the drafting within 10 working days. Once a Lasting Power of Attorney has been submitted to the Office of the Public Guardian, it will take approximately 16 weeks for the registration process to complete.