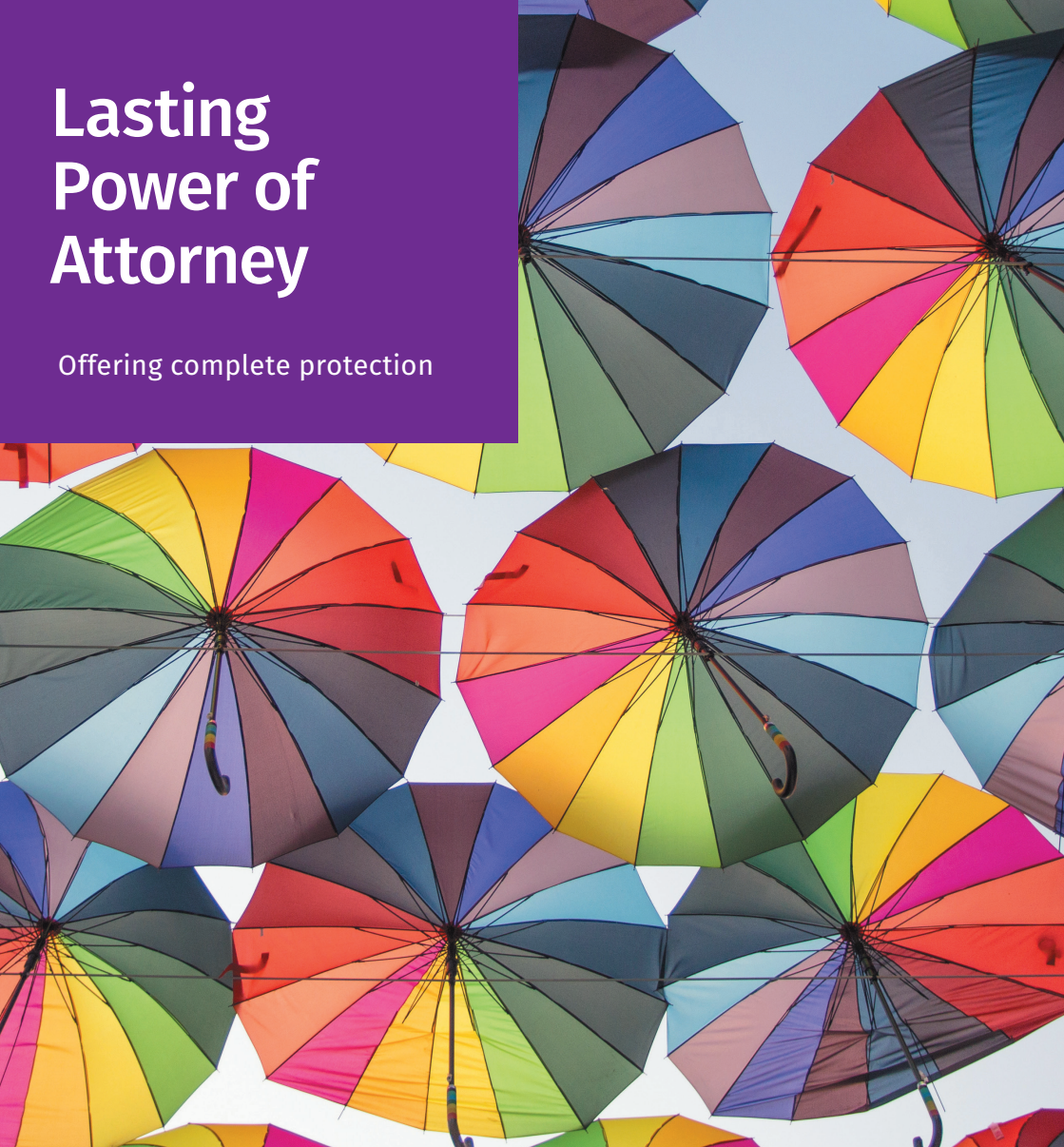


Lasting Power of Attorney

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What is a Lasting Power of Attorney?

A Lasting Power of Attorney, or LPA for short, is a legal document which gives people you name (your 'Attorneys') the power to help manage your affairs and make decisions on your behalf.

You can only make an LPA when you understand what you are doing.

If you don't have an LPA and you can no longer make your own decisions, your family and friends will have no legal authority to act for you. This could make you vulnerable and leave your loved ones in a difficult position.

It is therefore never too early to consider having an LPA prepared.

Types of Lasting Power of Attorney

There are two types of LPA.

One deals with your property and finances, and the other deals with your health and welfare. You can decide to have just one type prepared or both.

Amongst other things, a **'Property & Financial Affairs LPA'** would give your attorneys the power to manage your bank accounts, pay household bills and sell or buy a house.

A **'Health & Welfare LPA'** would allow your attorneys to decide where you should live, organise the type of care you receive and consent to, or refuse medical treatment on your behalf.



What to think about when making a Lasting Power of Attorney

There is a lot to consider when making an LPA, so before you meet with your solicitor you should give thought to the following:

- **Type** – which type of LPA do you want to put in place?
- **Attorneys** – who will you appoint to act on your behalf if this becomes necessary, and do you want to appoint more than one person?
- **Replacement attorneys** – if one of your attorneys could no longer act, is there anyone who could replace them?
- **Certificate provider** – who will you ask to sign a specific section of your LPA to confirm that, in their view, you understand what you are doing and are not being forced into making it?

Registering a Lasting Power of Attorney

Once an LPA has been signed, your attorneys cannot act for you until it has been registered with the Office of the Public Guardian.

Whilst an LPA does not strictly need registering until it is needed, it is preferable to register as soon as it has been signed. This completes the process and ensures your LPA is ready to be used without delay.



Frequently asked questions

Q. What happens if I don't have an LPA and I lose mental capacity?

Your family and friends will not have legal authority to act for you which could leave you vulnerable and put your loved ones in a difficult position. A Court order could be obtained for a loved one to manage your affairs but this process is lengthy, expensive and can be stressful.

Q. Can my attorneys do whatever they like?

No. Legally, your attorneys must act in your best interests and must follow strict principles which are outlined in every LPA.

Q. Can an LPA be cancelled?

Whether or not your LPA has been registered with the Office of the Public Guardian, you can cancel it at any time if you understand what you are doing and can make your own decisions.

Q. Who can be a certificate provider?

Your certificate provider will have to sign a section of your LPA to confirm that, in their view, you understand what you are doing and you are not being forced into making it. That person can be a professional (like your GP or solicitor) or a friend who has known you well for more than two years.

Q. Do I have to use a solicitor?

Though it is possible to make one yourself, LPAs can be complicated and there are many pitfalls, so we always recommend seeking advice from a solicitor who specialises in their preparation.

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