

# Lasting Powers of Attorney



**Forrester Sylvester Mackett**

SOLICITORS

*What matters to you matters to us*



# Lasting Power of Attorney

**A Power of Attorney is a document which gives another person the legal authority to manage your affairs. A Lasting Power of Attorney (LPA) means that the power of attorney continues to be legally binding even if you lose your mental capacity (i.e. it lasts!)**

Many people make a power of attorney so that their chosen relatives or friends can help them to manage their affairs if they become unwell or unable to manage.

Making a power of attorney does not mean you give up all of your rights and powers. You can make a power of attorney at any time while you have mental capacity. You can then direct your attorneys to begin acting when you want them to or they can start helping if you become unwell and unable to manage.

**There are two types of LPA that you can make:**

- **Property and Affairs**

This LPA will allow your attorneys to help you manage your money, property and finances. It would let them pay your bills or transfer and invest your money for you. It can even give them the power to sell your house if necessary.

- **Health and Welfare**

This LPA will allow your attorneys to make decisions about health and care which may include what medical treatment you receive and where you live. They will only be able to make these decisions for you if you are unable to make the decisions yourself.

In the case of both LPA's your attorney must always assume, encourage and allow you to make your own decisions if you are able to. They must always act in your best interests and consider your rights and freedoms as an individual. They are not permitted to make gifts of your money (to themselves or others) other than what you might usually and reasonably give for normal events such as birthdays, Christmas or weddings.

You can appoint more than one person and there are various ways in which you can appoint your attorneys. It is often worthwhile appointing more than one person if you can to ensure that you have a back-up attorney if one should be unable to act.

**An LPA is not the same as a Will.** Your Will only has legal power when you die. You need an LPA for your attorneys to help you manage your affairs during your lifetime. While you are alive, an executor named in your Will has no power to manage your affairs. An attorney under an LPA does not have the power to change or cancel your Will.

Your legal adviser will discuss this with you during the meeting to help you decide how to appoint attorneys and whether you need to include any additional instructions or guidance to your attorneys.



If you would like to make LPA's please complete the enclosed form and return it to the office prior to your meeting.

## Lasting Powers of Attorney Application

What type of LPA would you like to make?

Property and Affairs  Health and Welfare  Both

 Name (full name including title): \_\_\_\_\_

Address: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Email address/telephone no.(optional): \_\_\_\_\_

If you are a couple and both want to make LPA's:

 Name (full name including title): \_\_\_\_\_

Address: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Email address/telephone no.(optional): \_\_\_\_\_

Please tick if you would like your spouse or partner to be one of your attorneys

**I want my attorneys to be (please use another sheet if you require more than 4 attorneys):-**

**1** Name (full name including title): \_\_\_\_\_

Address \_\_\_\_\_

Date of birth: \_\_\_\_\_

Email address/telephone no.(optional): \_\_\_\_\_

**2** Name (full name including title): \_\_\_\_\_

Address \_\_\_\_\_

Date of birth: \_\_\_\_\_

Email address/telephone no.(optional): \_\_\_\_\_

3 Name (full name including title): \_\_\_\_\_  
Address \_\_\_\_\_  
Date of birth: \_\_\_\_\_  
Email address/telephone no. (optional): \_\_\_\_\_

4 Name (full name including title): \_\_\_\_\_  
Address \_\_\_\_\_  
Date of birth: \_\_\_\_\_  
Email address/telephone no. (optional): \_\_\_\_\_

## Registration

A LPA has to be registered at the Office of the Public Guardian before it can be used. Registration can be done straight away by us or you could leave it to do at a later date.

Registration takes between 8-12 weeks and the court charges a fee of £82\* per LPA.

If you are on a means tested benefit or on low income (less than £12,000 per year) you may be entitled to a reduction or exemption of the court fee. Please speak to us about this at the meeting. We will need evidence of your benefit to send to the court.

Please tick whichever of the following applies:-

- I would like you to register my LPA/s straight away and I will bring a cheque to the meeting payable to the "The Office of the Public Guardian". You will confirm the amount at the meeting. (This will typically be £82 multiplied by the number of LPAs being made.)
- I don't want you to register my LPAs at this time. Please store my unregistered LPAs for now.
- I am receiving benefits or on low income and wish to register my LPA straight away. I will bring some evidence of income to the meeting.

**Please note that our costs are in addition to the court fee.**

**Please contact one of our offices for an estimate of our costs for preparing, advising and registering the LPA.**

\*All figures correct 2019/2020

CHIPPENHAM  
01249 444300

FROME  
01373 485485

MALMESBURY  
01666 822671

SWINDON  
01793 522688

TROWBRIDGE  
01225 755621

WARMINSTER  
01985 217464

[enquiries@fmsolicitors.co.uk](mailto:enquiries@fmsolicitors.co.uk)

[www.fmsolicitors.co.uk](http://www.fmsolicitors.co.uk)