

Power of Attorney

What is a Power of Attorney?

It's a legal document which allows you to appoint someone else to deal with your affairs on your behalf. The person you legally authorise to act for you is called an Attorney. You can appoint one or more Attorneys to act for you on their own, jointly or jointly and severally.

There are two types of Powers of Attorney.

General Power of Attorney (GPA)

A GPA gives authority to a person or persons to run your affairs on your behalf. This may be appropriate if you are going abroad, for example, and need someone to ensure that your business affairs or personal finances are run in your absence.

The scope of the GPA can be limited to a specific function, for example the signing of a document, or it could cover a range of matters.

The GPA can be altered or cancelled at any time and most significantly, the authority would cease if the person giving the power became mentally incapable.

Lasting Power of Attorney (LPA)

There are two types of LPAs.

A financial LPA allows your Attorney to make financial decisions on your behalf.

A health and welfare LPA allows your Attorney to make decisions about your care including medical treatment.

An LPA operates in much the same way as a GPA but it will continue to operate if you become incapable of managing your affairs due to ill health or mental incapacity.

If you instruct us to draw up your LPA we will take your instructions about who you want to be your attorneys, complete the LPA for you and act as your Certificate Provider. We will take you through the LPA before you sign it, arrange for your attorneys to sign it and deal with Registration with the Office of the Public Guardian.

We can advise you on the preparation and completion of either of these, to enable you to make the most appropriate provision for you and your family in the future.

“Thank you for the help with my LPA and for keeping me up to date and giving me all the information I needed, you made it run very smoothly, thank you very much”

The importance of an LPA

It is important to make an LPA whilst you can still fully understand the nature of the document. If you become mentally incapable before you have made an LPA then your family would have to apply to the Court to appoint someone to assist them with administering your affairs. This is far more expensive and time consuming for the family than preparing an LPA.

In the event of an illness it is reassuring to know you have appointed someone you can trust.

Case Study

Our clients, Molly and Peter came to the firm to discuss their Wills and we also suggested they consider making Lasting Powers of Attorney (LPAs). They decided they were young enough not go ahead.

Unfortunately, Molly suffered an adverse reaction to antibiotics and was no longer able to deal with her financial affairs.

Her husband, Peter, was not able to access any of her finances held in her sole name.

This led to financial difficulty and if the situation had persisted then Peter would have had to make an application for a Deputyship Order for Molly.

Fortunately, as time went on Molly recovered and the couple decided to have their LPAs for financial decisions and health and care decisions prepared for them by Shentons.

They now have the peace of mind of knowing people they trust will be able to make decisions for them should they become unable to do so.

We can help you make an LPA

Contact one of our Probate team for assistance on 01962 844544