

LASTING POWERS OF ATTORNEY

A Power of Attorney is a legal document under which you can give others the right/authority to sign on your behalf. In the nature of things such authority should only be given to a person in whom you have full trust.

“General” Powers of Attorney have been in existence since 1972, and enable the person giving the power (“the Donor”) to give blanket authority to the Attorney to carry out any and all transactions. Although the General Power of Attorney is a straightforward document it ceases to be of effect if the Donor becomes mentally incapable.

The Lasting Power of Attorney (“LPA”) deals with the above deficiency. It is a rather lengthy document, requiring the involvement of an independent “certificator”. For an LPA to become effective it must however be registered with the Court of Protection. It is important to note, once registered, the document becomes operational, irrespective of whether or not the Donor still has mental capacity. For many Donors this is not a problem, although some clients prefer us to insert a “restriction” stipulating that the Attorney shall not act unless he/she has reason to believe that the Donor is becoming mentally incapable.

If you wish to appoint more than one attorney under an LPA you will need to consider if either one of the two Attorneys will be able to sign on your behalf (this is known as joint and several) or if the signatures of both Attorneys will be required (joint). A joint arrangement has the advantage of greater security but carries with it the disadvantage that the Power will become ineffective in practical terms if one of your Attorneys should die or become mentally incapable.

It is also possible for replacement Attorneys to be appointed in the event of your principal Attorney(s) dying or being unable to act.

The Lasting Power of Attorney also includes a facility for a person “to be notified” in the event of the Power being registered at the Office of the Public Guardian. Our current fees for dealing with Lasting Powers of Attorney are as follows:-

Preparation and execution of the main document	£200 + VAT
Registration with the Court of Protection	£150 + VAT
Court fee for registration	£82

When giving instructions for the preparation of an LPA we will need your full name, address and date of birth and the same details for the Attorneys/Replacement Attorneys you wish to appoint, together with the full name and address of anyone you wish to be notified if/when the LPA is registered at the Court of Protection.

Please ask for Anthony Harris

Our normal office opening hours are:- Monday to Friday 9.00 - 1.00 & 2.00 - 5.00

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