

Lasting Powers



of Attorney

Advice:

The population of the United Kingdom is ageing. It is said that in the last 35 years the number of those in the UK aged over 65 grew by 31%. It is predicted that this figure will increase as time goes on.

At Ridley & Hall we think it is very important to make plans now for your old age, when you may not be able to manage your affairs due to mental or physical impairment. Whilst you retain the ability to make decisions for yourself, you should consider very carefully choosing someone to look after your finances and/or your physical welfare in the event you cannot carry out these duties. You can appoint someone to deal with these aspects by choosing an attorney.



Lasting Powers of Attorney

A power of attorney is a legal document where a person gives another person or persons (the attorney) authority to make certain decisions on his or her behalf.

Types of Lasting Powers of Attorney (LPAs)

There are two types of LPAs:

- A property and financial affairs LPA, which allows your attorney authority to deal with your property and finances, as you specify.
- A health and welfare LPA, which allows your attorney to make health and welfare care decisions on your behalf, only when you lack mental capacity to do so yourself. This could also extend, if you wish, to giving or refusing consent to the continuation of life sustaining treatment.

Your Attorney

As with any power of attorney, it is an important document and you should take care whom you appoint as they should be trustworthy and have appropriate skills to make the proposed decisions. If you appoint more than one attorney, you can appoint them to always act together (jointly) or together or separately (jointly and severally). You may even appoint them to act jointly for some things and jointly and severally for others, although this should only be done with advice, as it may cause problems when using the power.

You may also choose to appoint a successor to your attorney, in case they die or otherwise cannot act for you.

When can the Attorney act?

The attorney will only be able to act when the LPA has been signed by you and your attorney, certified by a person that you understand the nature and scope of the LPA and have not been unduly pressured into making the power. The certificate will also need to confirm there has not been any fraud or another reason why you cannot make the power. It must then be registered with the Office of the Public Guardian before it can be used. The property and financial affairs LPA can be used both when you have capacity to act, as well as if you lack mental capacity to make a financial decision. The health and welfare power can only be used if you lack mental capacity to make a welfare or medical decision.

Here at Ridley & Hall, we have a qualified and experienced Wills & Probate team who can assist you. Should you wish to discuss the matter further please do not hesitate to contact us on **01484 538421**.



Hilary
Sisson



Helen
Webster



Jill
Waddington



Ridley & Hall Legal Limited Queens House 35 Market Street Huddersfield HD1 2HL