

## LASTING POWERS OF ATTORNEY

### Busting the Myths

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#### ***What is a Lasting Power of Attorney?***

A Lasting Power of Attorney is a legal document in which you give people who you trust permission to make decisions on your behalf.

#### ***Types of Lasting Power of Attorney***

There are two types of Lasting Power of Attorney (LPA):-

**A Property & Financial Affairs LPA** – This allows the people who you trust to make decisions about your money and your property. E.g operating your bank accounts, selling your property, or claiming or receiving benefits on your behalf.

**A Health & Welfare LPA** – This allows the people who you trust to make decisions, only when you are unable to do so yourself, about your medical treatment and care. E.g giving or refusing consent to healthcare, decisions about staying in your own home and getting help and support or day-to-day matters such as your diet, dress or daily routine. This could extend, if you wish, to giving your attorneys the right to give or refuse consent to life sustaining treatment on your behalf.

#### ***Why should I make a Lasting Power of Attorney?***

At Ridley & Hall we think it is very important to make plans now for your old age or perhaps for a time when you may not be able to manage your affairs due to mental or physical impairment. If you do not make an LPA and

subsequently become incapable of making decisions for yourself then your family will not be able to make decisions for you as they would not have the necessary legal authority to do so. Your family would need to make an application to the Court of Protection to be appointed to act as deputy which is costly and takes some time to complete. An LPA is by far the cheaper and quicker option.

#### ***What you should consider when choosing an attorney?***

You should choose people you trust to make decisions on your behalf. Sometimes people appoint the same people to act for them in relation to both financial and health matters although it may be the case that different people are more suited to different roles. We can discuss this with you.

#### ***When can the attorney act?***

Your chosen attorneys can only act for you once the LPA has been registered with the Office of the Public Guardian. Unless you elect otherwise, the property and financial affairs LPA can be used both when you have the ability to make your own decisions, as well as if you lack the ability to make your own decisions. Your health and welfare LPA can only be used once it has been registered with the Office of the Public Guardian and only if you cannot make your own decisions about healthcare matters.

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#### ***Why should I ask a solicitor to help me make my Lasting Power of Attorney?***

Ridley & Hall Solicitors can advise you about the most appropriate type of power of attorney which can be tailored to your specific needs. We will ensure that the documents are drafted correctly and as such that the registration of your LPA(s) progresses quickly and without complication.

#### ***What shall I bring with me to my first appointment?***

Don't worry if you can't produce everything – bring as much as you can with you!

1) Your full name, address, telephone number and date of birth.

2) Documents to verify your identity and address. We require documentary proof of identity e.g a passport, bus pass or photocard driving licence and proof of address e.g a recent utility bill or bank statement less than 3 months old.

3) Full names, addresses and dates of birth of the person(s) you wish to appoint to act as your attorney(s).

4) Details of your income and any benefits you receive (so we can work out if you are eligible for an exemption or remission of the registration fees).

### THE RIDLEY & HALL WILLS & PROBATE TEAM



Hilary Sisson



Helen Webster



Jill Waddington



Victoria Maude

Call us on 01484 538421  
or email: [email-privateclient@ridleyandhall.co.uk](mailto:email-privateclient@ridleyandhall.co.uk)  
or visit our website at [www.ridleyhall.co.uk](http://www.ridleyhall.co.uk)

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

01484 538421  
[www.ridleyhall.co.uk](http://www.ridleyhall.co.uk)