

Lasting Powers of Attorney



Lasting Powers of Attorney (LPA) have replaced Enduring Powers of Attorney (EPA) (although the latter, if made before October 2007, remain valid).



They are designed to protect the donor. For example, every LPA has to be completed in front of a "Certificate Provider", who will certify that in their opinion, the donor is not acting under undue influence from another person, and has mental capacity. The Certificate provider will be a Solicitor, Medical Practitioner etc.

There are two types of LPA. An LPA for property and affairs means that the donor gives full power to the attorney or attorneys to handle all matters relating to their property and financial matters. An LPA for personal welfare gives a third party power to make decisions as to the Donor's welfare, so this will ensure that an elderly person's wishes as regards treatment can be given weight, but that power can only be used if the Donor has lost mental capacity to make decisions on their own behalf.

An LPA cannot be used until it is registered with the Office of the Public Guardian, with them having a monitoring role thereafter giving the Donor more protection against financial abuse than was the case with the old EPA.

For further information on LPA's, or any other Wills, Probate or Inheritance matters contact Pat Young via email at pat.young@smithpartnership.co.uk or call 0116 247 2000.



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