

## The Process

We will take all of the initial details, prepare the Lasting Power of Attorney documents, meet you and your Attorneys to sign the forms, complete the Certificate Provider statement (usually), send out the notices and submit the application for registration to the OPG.

Once registration is complete, we will notify you and will normally keep the original LPA in the safe at our offices for safekeeping. We will prepare certified copies of the LPA signed by a Solicitor for use by your Attorneys if necessary in the future.

If your Attorneys need to use your LPA they should show a certified copy to your Bank or Building Society, the Department for Work & Pensions, your pension provider, any investment holders, HMRC, the Local Authority, solicitor, Doctor / GP, care home, social worker, financial adviser etc. as evidence of their authority to make decisions on your behalf.

If you change your mind, you can cancel your LPA at any time as long as you still have capacity.

Your LPA will end automatically when you pass away and will not affect any Will which you may have made.

## What if I don't make an LPA?

If there is no LPA in place and you lose capacity, it can be difficult for your relatives or friends to make decisions for you.

Unfortunately, your next of kin often do not have authority to manage your money or property on your behalf if you are unable to make decisions yourself. This means that your money or property could be tied up and cannot be used in your best interests.

Often Banks, Building Societies and other organisations will not take instructions from anyone unless a Property & Financial Affairs LPA is produced, or a Deputyship Order is obtained from the Court of Protection. Deputyship is an expensive and time consuming process and should be avoided if at all possible.

## Costs

Our standard costs for making a Lasting Power of Attorney are £480 inclusive of VAT. In addition to this, there is a fee of £82 payable to the Office of the Public Guardian for registration of the LPA, making a total of £562. If you wish to make both types of LPA please contact us for a specific estimate.

We usually ask you to provide us with a cheque for £82 made payable to 'Office of the Public Guardian' on account of the fee due so that we can

## What do I do next?

If you would like to make a Lasting Power of Attorney please call 01568 613 236 and ask for:

**Ellen Watkins** - Associate

Email: [ellen.watkins@lloydscooper.co.uk](mailto:ellen.watkins@lloydscooper.co.uk)

**Rebecca Mainwaring** - Associate

Email: [becci.mainwaring@lloydscooper.co.uk](mailto:becci.mainwaring@lloydscooper.co.uk)

We will discuss the LPA with you, answer any queries you may have and guide you through the process.

Lloyds Cooper LLP is a limited liability partnership registered in England and Wales number OC353069 Registered office 28 South Street Leominster Herefordshire HR6 8JB Regulated by the Solicitors Regulations Authority SRA No. 533908

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## Guide to making a Lasting Power of Attorney



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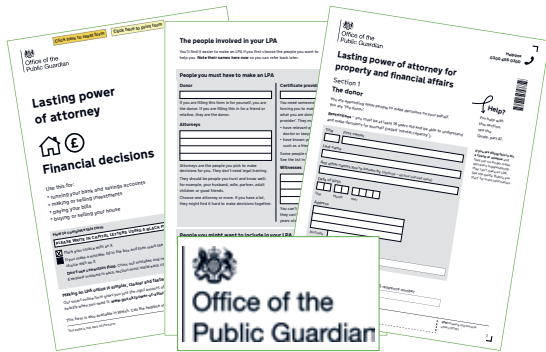
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## What is a Lasting Power of Attorney?

A Lasting Power of Attorney is a legal document appointing one or more people to help you make decisions, or to make decisions on your behalf if you are no longer able to do this yourself.

Once completed, the LPA is registered at the Office of the Public Guardian, a Government organisation, and can then be used by your Attorneys.

The authority given to an Attorney lasts after the person making the LPA loses the mental capacity to make their own decisions. Ideally an LPA should be made before capacity becomes an issue, however if there are concerns please contact us as making an LPA may still be possible.

There are 2 types of Lasting Power of Attorney: Property & Financial Affairs and Health & Care.

### Property & Finance

This gives an Attorney the power to make decisions about money or property, such as managing bank accounts and investments, paying bills, collecting benefits and pensions and selling your home.

### Health & Care

This gives an Attorney the power to make decisions such as where you should live, medical care, life sustaining treatment and moving into a care home.

## What do I need to decide?

**Attorneys:** You need to decide who to appoint as Attorney. This should be someone that you trust to make decisions in your best interests if you cannot do this yourself, for example a spouse, relative or friend.

An Attorney must be over 18, cannot be bankrupt and must be willing to take on the role. It is also worth considering any practical difficulties of appointing someone who is very busy, unwell or living far away.

If you wish to appoint more than one Attorney, you must decide if they can make decisions separately or together. If you only allow your Attorneys to act together, they must all agree on every decision made. If you allow your Attorneys to act separately, each one may make decisions either on their own or with the others. This may be useful in an emergency, or if the other Attorneys are ill, overseas or cannot be contacted.

You can also appoint Replacement Attorneys to take over if your Attorneys are unable to act on your behalf.

Once you have chosen your Attorneys or Replacement Attorneys, please let us have their title, full name, address, postcode, telephone number, occupation, date of birth and relationship to you.

All of your Attorneys and Replacement Attorneys will need to sign the original LPA document as well as you.

**Instructions or Preferences:** You can impose restrictions on your Attorneys in the LPA document limiting what they can do on your behalf. You can also provide guidance that they should follow when carrying out their duties. However, you must bear in mind that any restrictions or guidance must be workable in practice or your LPA may fail.

You can also allow for your Attorneys to charge for their services if they act in a professional capacity.

**Person to be notified:** As part of the OPG registration process, you can give notice to at least one independent person that you intend to register the LPA. They cannot be an Attorney or Replacement Attorney, but could be a relative, friend or neighbour.

This person will receive a standard form of notice giving basic details of the type of LPA and the people involved. If they had any concerns about you making the LPA, such as fraud or undue influence from relatives, they could contact the OPG to object to registration for your own protection.

If you would like to notify somebody, please let us have their title, full name, address, postcode, telephone number and date of birth.

**Certificate Provider:** An independent person must sign the LPA to confirm that you have capacity, understand the effects of the LPA and the authority which you are giving to your Attorneys, and that you are not being pressurised to make it.

This person can either be someone who has known you for at least 2 years as more than just an acquaintance. Or, it can be a professional such as a Doctor or Solicitor. One of our Solicitors will normally be able to complete this certificate after meeting you.

**Other Information:** Please also let us have your title, full name, address, postcode, telephone number and date of birth.

Please also let us know if you have ever made any type of Power of Attorney before, including the older Enduring Power of Attorney.

It would also be helpful if you could advise us of any medical condition which may affect your capacity to make the LPA.

