



LASTING POWERS OF ATTORNEY

What is a Lasting Power of Attorney (LPA)?

A LPA is a legal document that enables you (the Donor) to choose a person or people (the Attorney(s)) that you trust to make decisions on your behalf about things such as your property and affairs or personal welfare at a time in the future when you no longer wish to make those decisions or you may lack the mental capacity to make those decisions yourself.

A LPA must be registered with the Office of the Public Guardian before it can be used.

The Types of LPA

There are two different types of LPA:

Health and Welfare LPA: Allows you to appoint attorneys to make decisions on your behalf regarding your personal health care and welfare. These decisions can only be taken by your attorneys when the LPA has been registered **and** you lack the capacity to make them for yourself; for example if you are unconscious or because of the onset of a condition such as dementia. The Health and Welfare LPA can allow your attorneys to make decisions about:

- giving or refusing consent to particular types of health care, including medical treatment decisions;
- whether you continue to live in your own home, perhaps with help and support from social services, or whether residential care would be more appropriate for you;
- 'life-sustaining treatment';
- your diet, your dress, or your daily routine.

It is up to you which of these decisions you want to allow your attorneys to make.

Property and Financial Affairs LPA: Allows you to appoint attorneys to make decisions on your behalf regarding your property and financial affairs. These decisions can be taken whilst you still have capacity as well as when you lack capacity as long as the LPA has been registered. You

can decide to give your attorneys the power to make decisions about any or all of your property and affairs matters. This could include paying your bills, collecting your benefits or selling your house.

Making a LPA with Vingoe Lloyd

You must be over 18 and have the mental capacity to make a LPA. If your adviser has any doubts about your capacity a doctor's opinion may be requested.

Your Attorney(s): Consider who you would like to appoint as your attorney(s). You will be asked for the full name, address and date of birth of each attorney you wish to appoint. You should consider whether you wish to pay your attorneys for making decisions on your behalf.

People to be told: You may wish to notify certain people that your LPA is going to be registered. The notification process acts as a safeguard if you lack capacity at the time of registration as these people can raise concerns on your behalf. You may choose up to 5 people to notify. If you do not wish to notify anyone then two Certificate Providers will be required.

Certificate Provider: This is a person who must confirm that you understand the LPA and that you are not under any pressure to make it. There are certain people who are allowed to give the certificate and certain exceptions. Your options can be discussed with your adviser.

Existing Powers of Attorney: Please let your adviser know whether you have an existing Enduring Power of Attorney, another Lasting Power of Attorney or an advance medical directive (otherwise known as a 'living will').

Registering a LPA

A LPA can be registered at any time but the document cannot be used until the registration process has been completed. A fee will need to be paid to the Office of the Public Guardian for registration to take effect. If you are in receipt of a means tested benefit or on a low income you may pay a reduced fee or no fee at all. Please provide your adviser with evidence of your benefit or income if you think this could be applicable to you.

Evidence of your Identity

We will need to obtain formal evidence of your identity. It will help us if you can bring this evidence to the first meeting. We would normally ask for a passport or photocard driving licence plus one document confirming your address, such as a recent utility bill, council tax statement or bank statement (dated within the last three months).

If you need assistance please contact our Private Client Department

Helston (01326 555800) / Hayle (01736 754075)

We can also assist with Wills, Probate, Trusts and Estate Planning