

Lasting Power of Attorney

Property and Financial Affairs



I'm ensuring my affairs will be looked after
by **someone I trust**, if for any reason
I can no longer do it myself

Without a Lasting Power of Attorney all your financial affairs are frozen in the event of your incapacity. At an already stressful time, your family would be burdened with a complex and potentially costly legal process.

A Lasting Power of Attorney prepared by Assist Law, gives you the peace of mind that the whole process will be as easy as possible for you and ensure your affairs will always be in the hands of those you trust.



**Assist
Law**

Protecting your world

Your Lasting Power of Attorney is a legal agreement that appoints someone you trust so they can look after your property and financial affairs if you are ever unable to do so.

This includes fulfilling important tasks such as:

- Paying household bills or writing cheques
- Transferring money in or out of your bank account
- Paying for your private medical bills or residential care costs
- Arranging contracts for the upkeep of your property
- Selling or transferring your home
- Claiming benefits on your behalf
- Receiving salaries owing to you

Your Lasting Power of Attorney (LPA) can be applied to a temporary circumstance such as illness or an accident, or as a permanent measure should you no longer be able to look after your own affairs, providing peace of mind for you and your family.



What happens to me and my family if I am incapacitated and I have not planned ahead?

Your assets would be frozen and your family will need to apply to the Court of Protection to appoint a deputy to manage your affairs. This means you risk losing control of who is appointed and the court may apply restrictions on the level of transaction that can be made. The court fees start at £400, simply for the initial application, in addition to medical fees and ongoing administration costs which could result in a final bill of thousands of pounds.

I have plenty of family that I trust; can they deal with my affairs?

Unfortunately they can't unless they have been legally named in a Lasting Power of Attorney which is required to allow them to act on your behalf.

Can I decide at the time who I want to handle my affairs?

By law, you must have full mental capacity when you appoint someone else to look after your property and financial affairs. If you wait until you need this and circumstances affect your mental capabilities, it will be too late; your family will have to apply to the Court of Protection to appoint your deputy, which may take many months and it may not be the individual that you would have chosen and restrictions are often placed on their level of authority.

All my affairs are handled jointly with my partner; do I still have a problem?

The British Bankers Association has clear rules that state that the assets of both parties will be frozen should one party become incapacitated. This means that even if you have a joint bank account, it will be frozen until a court order is received, preventing your partner from accessing your shared money and assets, which potentially means that they will be unable to pay bills or access income.

I am still young; can I plan for this later?

Whether you have an accident or lose your mental capacity over time, the impact is the same and therefore it is imperative to plan now and avoid future complications and costs.

How difficult is it for me to set up my Lasting Power of Attorney myself?

You can work through the process and set up a Lasting Power of Attorney agreement on your own, however this is a complicated and time-consuming process. These forms are not tailored to your circumstances and they are not supported by legally sound advice to ensure it is suitable or to give you a full understanding of the powers that you are granting. You will also have to directly pay to submit your Lasting Power of Attorney for registration with the Office of the Public Guardian and they will reject it if the information is incorrect in any way and you will be liable to pay to submit it a second time.

I've found a form on the internet; can I use that?

There are many forms on the internet, but in the same way as trying to set up an LPA without professional help they are not legally supported and you do not have the benefit of specific advice to ensure it is appropriate to your needs.

The forms themselves are available free of charge elsewhere, however it is the content of the form, not the form itself, that is critical. It is essential you take legal advice to fully understand the powers you are granting and the impact they could have on you.

I know that if the unexpected happens, my property and financial affairs will always be in safe hands.

With the Assist Law Lasting Power of Attorney you can plan for the future now whilst you are still able to do so.

Your LPA allows bills to be paid, assets transferred and your benefits and/or salary to be received. It also allows, if you permit, for property to be sold.

Assist Law offers you support, which as well as helping you decide who you would like to act on your behalf, ensures that the complex and at times daunting paperwork is completed correctly and that the legal formalities of registering the document are followed precisely.

By taking the time now to document your wishes, you have the peace of mind that at any time your attorney needs to manage your affairs, they can do so quickly and effectively.

We will take your instructions in the comfort of your own home and then prepare the LPA in accordance with your wishes.

We will ensure that you and your attorneys fully understand the document, how it can be used and the protections in place to make sure your interests are looked after.

The Assist Law legal team will make sure the document is correctly completed and signed and if for any reason the Office of Public Guardian rejects the application, Assist Law will pay the cost of resubmission.

The document is then sent to you for signature. Upon receipt of the signed documents we will apply for registration with the Office of Public Guardian on your behalf. The registered document will then be sent to you.

Assist Law makes what is usually a complex and bureaucratic process as stress free and as straightforward as possible for you.



The roles of the people who will be involved with your LPA

The **donor** is the person appointing an attorney. All LPAs are individual documents and a couple will each need their own LPA, rather than having joint appointments.

Your chosen **attorney** must be over 18, have mental capacity and not be bankrupt. Several attorneys can be appointed, but from a practical point of view it is usual to appoint one or two. **Replacement attorneys** can also be appointed to act in the place of an attorney who is unable to act or who has died before you. For example, a couple may choose to appoint each other, with their children as replacement attorneys if required.

The certificate provider is an independent person who must sign to certify that in their opinion you have the mental capacity to make an LPA, and that you are not making it under improper pressure. They should either be someone you have known personally for at least 2 years (but not a family member) or else someone professionally qualified (e.g. your doctor). This requirement is an important safeguard against abuse.

You can request that up to five **people to be notified** when an application is made to register the LPA. You can choose anyone (including family members) who know you well enough to be able to raise concerns should they have any, and this provides a further safety aspect to protect against possible abuse.

We are here to help

With over 50 years experience, Assist Law has been delivering lifetime peace of mind for its clients and their families. If you have a question, would like additional guidance or need some support, we're here when you need us. You can telephone us on 01934 836159 or email us at customercare@assistlaw.co.uk

9 Morston Court, Aisecome Way.
Weston-Super-Mare BS22 8NG
Head office: 01934 836159
Email: customercare@assistlaw.co.uk
Web: www.assistlaw.co.uk

