



Private Client Law Bulletin

**LASTING POWERS OF ATTORNEY
– THEY ARE WORTHWHILE AND NOW EASIER TO PREPARE**

Lawyers around England & Wales are running a national “Make a Lasting Power of Attorney” campaign to encourage people to plan ahead to avoid problems if they later lose mental capacity by making a Lasting Power of Attorney (LPA).

Lasting Powers of Attorney replaced the old Enduring Powers of Attorney (EPA) in October 2007, but the documents have been long, complex and difficult to complete. Approximately 60% of those completed have been rejected by the Office of the Public Guardian as unusable.

Since October this year though, new and much improved forms are available. There are two types of LPA: Financial & Welfare. A Financial LPA allows a person to act on behalf of another in making financial decisions and can be used whether or not the donor is incapacitated. A Welfare LPA allows a person to make welfare decisions where the donor does not have the capacity to make these decisions themselves.

If an LPA or EPA has not been made, families can find themselves in a very distressing situation at the onset of mental incapacity. An application to the Court of Protection for the appointment of a Financial or Welfare Deputy may be necessary. This is a lengthy process and is far more costly than making an LPA. Recent press coverage has highlighted the difficulty the Court has in making the legal and administrative system set up by the Mental Capacity Act 2005 react appropriately to individual circumstances.

As always, with any form of attorneyship, the first consideration has to be finding a suitable candidate. Thereafter, it is sensible to take advice about the choices available.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Private Client issues, please contact: Duncan Bailey in Liverpool on 0151 600 3451, Richard Bate in Manchester on 0161 836 8840 or Stephen Marriott in Preston on 01772 229 816.

If you no longer wish to receive the bulletin please let us know by return e-mail to helen.calvert@brabnerscs.com

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