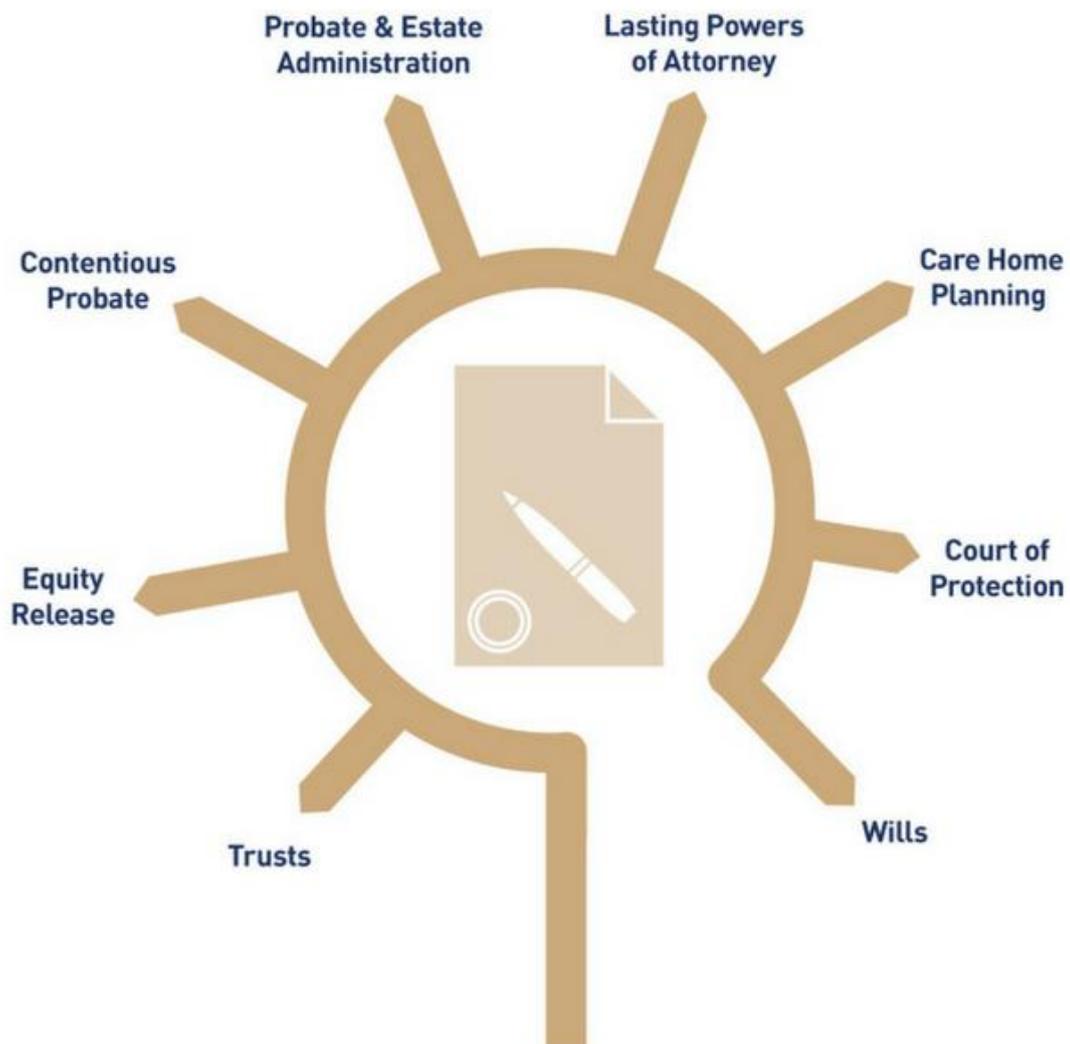


Professional advice for your legal journey ahead  
**We Go Beyond**



# Lasting Powers of Attorney

Our Private Client team protect what matters to you most



Preparing your loved ones for a time when you are no longer with them, or in the event you lose mental capacity, can be difficult. However, a little simple planning today could help protect both you and your family in the future.

Considering a Lasting Powers of Attorney can seem daunting. This guide has been produced by our Private Client specialists that have the expertise to guide and support you through the various solutions that will help to ensure your affairs and assets are effectively managed, and in a way that you intended.

Here, our experts answer the most commonly asked questions about Lasting Powers of Attorney.

### Q. “What is a Lasting Powers of Attorney?”

Making a Will is effective forward-planning but the importance of a Lasting Powers of Attorney (LPA) can often be overlooked.

An LPA is an important legal document that provides individuals of your choosing with the legal authority to look after specific aspects of your health and welfare or financial affairs should you lose capacity to do so.

An LPA isn't just for the elderly; younger people can become incapacitated through ill health or an accident. By having an LPA in place you can help to ensure that your wishes regarding your continued welfare and affairs are carried out as you intended. There are two types of LPA:

- 1. A Property and Affairs LPA.** This provides your attorney(s) power to make decisions about your financial affairs and your property on your behalf; and
- 2. A Health and Welfare LPA.** This gives your attorney(s) the ability to make decisions about your personal welfare when you can't. In addition, this can be used to give effect to advance medical decisions you may have made your attorney (s) aware of.

An LPA enables you to set out your wishes in a comprehensive way, and ultimately benefits you and your attorney(s), as you can plan for every eventuality and offer detailed guidance for your attorney(s) to follow.

**Q. “What happens if I don’t have an LPA?”**

A common misconception is that without an LPA in place, rights are automatically given to a spouse/partner should you become incapacitated. This is not the case.

Without the appropriate LPA in place, there can be implications for various arrangements including access to joint bank accounts, which can be frozen.

In the absence of an LPA, an application to the Court of Protection would be required.

The Court of Protection is responsible for making decisions in relation to the welfare and management of the financial affairs of individuals who lack the mental capacity to do so themselves.

The importance of an LPA is often overlooked, but by having an LPA in place you can help to reduce the need for a Court of Protection application should it be needed. The process is often lengthy and can be costly so by effective planning now you have peace of mind for your future.

**Q. “I’m of sound mind – do I need an LPA?”**

You may consider yourself to be “fit and healthy” and therefore don’t have an immediate requirement to have an LPA in place. However, a sudden, debilitating illness could affect your ability to make your own decisions. In such circumstances, with an LPA in place, your appointed attorney could effectively manage your affairs.

A little simple planning today could help bring you peace of mind that your affairs would be managed in a way that you intended.

**Important Information:** This publication contains general information only. Nothing in this publication constitutes legal advice. You should consult a suitably qualified lawyer on any specific legal problem or matter.

## Helping You to Protect What Matters

Whether you require a Will or specialist advice on Estate Planning, Probate, Lasting Powers of Attorney, Court of Protection, Trusts or Care Home Planning; our team is here to offer the specialist advice you need. We ensure that your affairs and wishes for the future are effectively managed, providing you with peace of mind.

Our clients are at the heart of what we do, therefore if appointments at one of our offices are difficult for you to attend, we will come to you.

## Solicitors for the Elderly

Kirwans is recognised by the National Association 'Solicitors for the Elderly' (SFE) for its Private Client expertise.

SFE is an association of lawyers that specialise in legal services for older people and their carers.



Solicitors, John-Paul Dennis, Claire Currie and Claire Hamilton are accredited members of this prestigious group.

This membership is a statement of our firm-wide commitment to provide our clients with a market-leading service.

To discuss your legal requirements, or to find out more about our services, contact a member of our Private Client team today.

 0800 525 035

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