



## **Scott Duff & Co Solicitors**

You are now able to plan ahead to ensure that your financial and personal welfare matters are provided for. You can undertake this planning by preparing a Lasting Power of Attorney. There are two types of Lasting Powers of Attorney: Lasting Power of Attorney Financial Decisions and Lasting Power of Attorney Health and Care Decisions.

### **1. Lasting Power of Attorney – Financial Decisions**

By preparing a Lasting Power of Attorney Financial Decisions you can plan ahead by choosing one or more people to make decisions on your behalf regarding your property and financial affairs. The person or people whom you appoint are called your Attorneys. You can give them significant powers to deal with your financial affairs. You can indicate whether you wish them to be able to deal with your financial affairs with immediate effect, or whether you would only wish them to deal with your affairs at some given point in the future.

You can use this type of Lasting Power of Attorney even if you are still capable of managing your own affairs. You may find that you wish your Attorneys to act in this

# **Lasting Powers of Attorney**

capacity if for some reason you are unable to deal with the payment of your own bills, or making benefit claims etc.

If you become mentally incapable of managing your affairs through illness or other incapacity then your Attorney can deal with all matters for you, including selling your property and dealing with investments on your behalf.

Before the Lasting Power of Attorney can be used it has to be registered at the Office of the Public Guardian.

### **2. Lasting Power of Attorney – Health and Care Decisions**

By preparing a Lasting Power of Attorney Health and Care Decisions you can plan ahead by choosing one or more people to make decisions on your behalf regarding your personal health care and welfare. Again, the person whom you appoint is called your Attorney. You can appoint different people to be your Attorney under the Health and Care Decisions Lasting Power of Attorney and the Financial Decisions Lasting Power of Attorney if you wish. You can give your Attorney the power to make decisions about any or all of your personal welfare matters, including health care.

A condition of the Health and Care Decisions Lasting Power of Attorney is that it can only be used by the Attorney if you are mentally unable to make those decisions yourself. This usually covers the situation where you are unconscious or have a condition such as dementia.

Again, the Health and Care Decisions Lasting Power of Attorney cannot be used until it has been registered at the Office of the Public Guardian.

## **Cost of Making a Lasting Power of Attorney**

As a standalone document our charges for the preparation and registering of each Lasting Power of Attorney is between £400 - £700 plus VAT together with the registration fee of £82 for each document. Although this is a significant sum, it reflects the considerable amount of work involved in the preparation of the Power of Attorney. If you are on a low income, you may not have to pay the full registration fee.

We appreciate that the cost of preparing a Lasting Power of Attorney may deter some people from making one. If you wish to make a Lasting Power of Attorney but feel unable to meet the full cost, it is possible to obtain and complete the forms yourself from [www.direct.gov.uk/mentalcapacity](http://www.direct.gov.uk/mentalcapacity). Helpline no. 0300 456 0300.

## **The next step**

We believe that Lasting Powers of Attorney are essential in enabling you to plan for the future and ensuring that the person or people you want to look after your affairs are able to do so with minimal stress and anxiety.

If you already have an Enduring Power of Attorney made before 1 October 2007, we recommend discussing this with us, before preparing a Lasting Power of Attorney.

If you wish to proceed with either or both of these Lasting Powers of Attorney, please contact one of our team below to make an appointment.

### **Offices at:**

3 Devonshire Street, **Carlisle**

Tel. 01228 531054

40 King Street, **Penrith**

Tel. 01768 865551

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