

HAVE YOU MADE A POWER OF ATTORNEY?

Making powers of attorney is one of those things easily put off for another day. However, much like a will it brings peace of mind regarding arrangements for when we die. Having a power of attorney gives certainty about what happens if we are still alive but no longer able to make decisions for ourselves – for example, because of accident or illness.

Under a power of attorney, you (the “donor”) give someone you trust authority to handle your affairs on your behalf. To make a power of attorney the donor must, at the time of making it, be at least 18 years of age and have “mental capacity” – essentially, be fully aware of what they are doing. A power of attorney ends automatically on death – the instructions in the Will (or Letters of Administration if there is no Will) take over.

There are various forms of power of attorney but the principle current one is known as a “Lasting Power of Attorney” (LPA). There are two types of LPA – one deals with property and financial affairs, the other with health and welfare.

Under a property and financial affairs LPA, the attorney has power to make decisions about the donor’s money and property, including selling their home. It can be used, with the donor’s permission, as soon as it is registered with the Office of the Public Guardian (OPG).

A health and welfare LPA must also be registered with the OPG but can only be used by the attorney when the donor is no longer able to make their own decisions.

Should mental capacity be lost before LPA’s are made, someone able and willing to act on behalf of the incapacitated person can apply to the Court of Protection to be appointed as “Deputy”.

Having LPA’s protects your interests when you are no longer able to make decisions for yourself. It may be necessary to seek advice from a solicitor – costs may vary and it is worth seeking quotations before instructing them. Fees are also payable to the OPG on applying for registration (currently £82 each LPA).

For general advice about powers of attorney, please contact Citizens Advice East Suffolk on 0808 278 7866 or see the Citizens Advice website <https://www.citizensadvice.org.uk/family/looking-after-people/managing-affairs-for-someone-else/>. Full detailed guidance and links to the LPA forms, process and fees are available on the government website [Make, register or end a lasting power of attorney: Make a lasting power of attorney - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/lasting-powers-of-attorney).

For help and advice on this or any issue please:

Phone us on 0808 278 7866 (lines open 10-2 Mon-Fri)

Email us from our web site: www.caes.org.uk/email-service

Check our website www.caes.org.uk for details of our drop-in outreach sessions in Saxmundham, Wickham Market, Framlingham, Bungay, Halesworth, Kesgrave and Southwold. And for ways to contact one of our offices - in Leiston, Woodbridge, Lowestoft, Beccles and Felixstowe.

