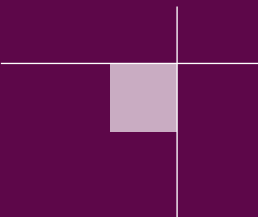




Why do I need a **Power of Attorney?**

You decide who makes decisions on your behalf



A Lasting Power of Attorney

A Lasting Power of Attorney is a document which allows you to decide who should make decisions for you if the need should arise.

Everyone knows you should write a will to make sure you provide for your loved ones when you die, but what happens if you are left mentally or physically unable to make decisions because of accident or illness?

As we are living longer, more and more of us will have a period of physical and/or mental dependency late in life. The medical reasons for this could include dementia, Alzheimers, stroke, head injury or lack of mobility.

Powers of Attorney are practical documents that authorise your nominated Attorneys to deal with banks, lawyers, social services or doctors on your behalf, should you be unable to do so. Importantly though, you remain in control of everything unless you cannot act, or you want your attorneys to act for you.



“enable a person you trust to make decisions on your behalf ”



Types of Lasting Power of Attorney

There are two types of Lasting Power of Attorney available. We have detailed each one below.

Health and Welfare LPA

A Health and Welfare LPA allows a person or persons you have chosen as your attorney(s) to make decisions on your behalf about your personal welfare. These decisions include, for example, where you live, what you wear and even your diet.

The Health and Welfare LPA can also give your chosen Attorney(s) the power to give or refuse consent to life sustaining treatment i.e. any treatment that a doctor considers necessary to keep you alive. Therefore, if you want someone to make those decisions for you it is important to consider preparing the LPA.

Both a Property and Financial Affairs LPA and a Health and Welfare LPA can only be used once registered at the Office of Public Guardian. In addition a Health and Welfare LPA can only be used if you lack mental capacity to make your own decisions in relation to your health and welfare.

Property and Financial Affairs LPA

The Property and Affairs LPA replaces the old style Enduring Power of Attorney (although if you have an EPA validly executed before October 2007 this can still be used).

A Property and Affairs LPA enables a person or persons whom you trust (the attorney(s)) to make decisions on your behalf about your property and affairs at a time when you are no longer able, or no longer wish, to make those decisions yourself. This can include paying your bills, collecting your income and benefits or even selling your house (subject to any restrictions or conditions you might have included within the document).



What happens when there is no Lasting Power of Attorney?

Should, in the future, you lack capacity to make financial decisions for yourself and you have not made a Lasting Power of Attorney it may be necessary to make an application to the Court of Protection for an order appointing a Deputy to make decisions on your behalf.

The process of having a Deputy appointed is a time consuming and costly exercise. In addition, the Court - not you - will be deciding who will be making decisions for you when you are in a vulnerable position.

If you want to decide who should be making decisions for you at a time in your life when you can no longer make those decisions it is important to put appropriate Lasting Powers of Attorney in place now to ensure that your wishes are followed.



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What next?

If you do wish to proceed with Lasting Powers of Attorney then these are the matters you need to consider:

- 1 Who you would wish to appoint as your Attorney or Attorneys. We will need their full names, addresses (including postcode) and dates of birth;**
- 2 Who you would wish to appoint as replacement attorney(s). We will need their full name(s), address(es) and date(s) of birth;**
- 3 If the appointment of the Attorneys is to be joint and several (most common), joint or a mixture of the two. This is something we can discuss with you when we meet;**
- 4 When you would like your Attorneys to be able to make decisions for you. Either as soon as the Lasting Power is registered or only when you do not have mental capacity;**
- 5 Any thoughts, preferences/instructions for your Attorneys.**

We will run through everything in detail with you when we meet but it would be useful for you to give some thought to the above as a starting point for our conversation.

Get in touch

For more information contact the Private Client team or visit our website

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