



**Cunningtons**LLP  
solicitors since 1748  
*Lawyers for Life™*

# Lasting Powers of Attorney

A Lasting Power of Attorney is a means of appointing someone (an attorney) you trust to act for you even after you have lost the mental capacity to make decisions yourself.

There are two types of Lasting Powers of Attorney; a Property and Financial Affairs Lasting Power of Attorney and a Health and Welfare Lasting Power of Attorney. It is for you to decide whether you would like both types or just the one.

## Property and Financial Affairs Lasting Powers of Attorney

A Property and Financial Affairs Lasting Power of Attorney will allow your attorney(s) to make decisions regarding your property and financial affairs for example buy or sell property, manage investments or carry on a business and your attorney may access personal information.

## Health and Welfare Lasting Powers of Attorney

A Health and Welfare Lasting Power of Attorney will allow your attorney(s) to make decisions regarding your health and welfare, for example to give or refuse consent to medical treatment, where you live and with whom, what you wear, what you eat and how you spend your day and your attorney(s) may access your personal information such as medical records.

## Registration

A Lasting Power of Attorney cannot be used until it has been registered with the Office of the Public Guardian but it does not have to be registered straight away. Please be aware that the registration process takes at least five weeks therefore if you do not apply for registration immediately your attorney(s) may not be able to use the Lasting Power of Attorney when they need to.

## Lasting Powers of Attorney contain important safeguards:

- 1) Lasting Powers of Attorney cannot be registered unless an independent person completes a certificate to confirm that in their opinion you are making the Lasting Power of Attorney of your own free will and that you understand its purpose and the powers you are giving your attorney(s).
- 2) You can name up to five people to be notified when an application to register your Lasting Power of Attorney is made. Anyone who applies to register your Lasting Power of Attorney must notify these people, this allows them to raise any concerns they have about the application to register.





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## Lasting Powers of Attorney continued...

### Choosing your Attorney(s)

When choosing your attorney(s) you must choose someone you trust to make decisions on your behalf. Your attorney(s), unless you have included restrictions in your lasting power of attorney, will have the same amount of control over your affairs as you would have had. It is important that your attorney(s) know what you want.

You can appoint as many attorney(s) to act for you as you want however you will need to specify how you want them to act:

- 1) Jointly; or
- 2) jointly and severally; or
- 3) jointly in some matters and jointly and severally in others.

At the time of making your Lasting Power of Attorney you can appoint replacement attorney(s) to act in place of any attorney who is no longer able to or does not wish to make decisions on your behalf as an attorney. Your attorney(s) cannot choose who to replace them.



### Costs

#### Property and Financial Affairs Lasting Power of Attorney

Without Registration     £200.00 plus VAT  
With Registration        £300.00 plus VAT plus Office of the Public Guardian Registration fee of £82

#### Health and Welfare Lasting Power of Attorney

Without Registration     £200.00 plus VAT  
With Registration        £300.00 plus VAT plus Office of the Public Guardian Registration fee of £82

#### Both Property and Financial Affairs Lasting Power of Attorney and Health and Welfare Lasting Power of Attorney

With Registration        £500 plus VAT plus two registration fees of £82 each

VAT is charged at 20%

If your annual income is under £12,000 you may be entitled to a 50% remission of the registration fee. If you are in receipt of one or more of the following benefits you may be exempt from the registration fee: Income Support, Income-based Job-Seekers Allowance, Income-based Employment and Support Allowance, State Pension Guarantee Credit element of pension credit, a combination of Working Tax Credit and Child Tax Credit, Disability Element or Severe Disability Element, Housing benefit, Council Tax benefit, Local housing allowance.

**For more information please contact  
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