

PERSONAL LEGAL SERVICES

Family and Matrimonial
 Wills and Probate
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LASTING POWERS OF ATTORNEY

Enduring Powers of Attorney were replaced by Lasting Powers of Attorney on 1st October 2007.

It is no longer possible to execute an Enduring Power of Attorney but Enduring Powers of Attorney completed before 1st October 2007 will continue to be valid.

A Lasting Power of Attorney is just as important as making a Will because it will affect how a person lives if they are unable to make financial and personal welfare decisions for themselves.

Making a Lasting Power of Attorney gives a person (the Donor) the opportunity to decide who they would like to look after their financial affairs and their personal welfare, rather than the Court of Protection appointing someone on their behalf, who may not be the Donor's first choice.

Not only will the Donor have certainty in relation to the choice of Attorneys but they are able to provide details of friends or relatives who should be contacted when the document is registered with the Court, which acts as an additional safeguard to avoid any abuse.

There are two types of Lasting Power of Attorney.

The first is a Lasting Power of Attorney which deals with the appointment of trusted people to look after the Donor's financial affairs. This is similar to an Enduring Power of Attorney but includes further safeguards to avoid any abuse.

The second is a Lasting Power of Attorney which deals with the appointment of Attorneys who can make decisions as to the Donor's personal welfare, such as where they live and the type of care they receive.

Unlike Enduring Powers of Attorney, Lasting Powers of Attorney must be registered with the Court of Protection before they may be used by the Attorneys.

If a person has not made a Lasting Power of Attorney or an Enduring Power of Attorney, and they lack the capacity to make decisions as to their finances and welfare, it may be necessary for an application to be made to the Court of Protection. This is both time consuming and costly.

For further details please contact

Susan Glenholme

sg@dolegal.co.uk

01727 735 636

www.dolegal.co.uk

HEAD OFFICE

Ivy House
 107 St Peter's Street
 St Albans
 Hertfordshire
 AL1 3EW
 DX 6105 St Albans
 Tel: 01727 837161
 Fax: 01727 830506

ALSO AT

RADLETT
 01923 857171