



Why You Should Consider Setting Up A

LASTING POWER OF ATTORNEY

Why You Should Consider Setting Up A Lasting Power of Attorney

Even if you or a loved one have not lost the ability to make decisions, nor appear to be showing signs of losing mental capacity, it can be useful planning ahead and setting up a Lasting Power of Attorney (LPA). This can help to ensure matters are properly taken care of should things take a turn for the worse.

Many people do not like to think about what would happen if they lost mental capacity or how they would cope if they were unable to make decisions for themselves.

It is important that you set up an LPA well before you need it (i.e. you are still mentally capable), so that you will have peace of mind that matters will be properly taken care of. You must be over 18 to set up an LPA, however.



It's not just the elderly who are prone to losing their mental capacity; an unexpected catastrophic accident, such as a road traffic accident or a fall from a height, can leave a person unable to make decisions about their life.

Those who play contact sports or go on adventure holidays should also consider who will make decisions for them should they become unable to do so.

What is a Lasting Power of Attorney?

An LPA is a legal document that gives someone or people you trust the legal authority to make decisions on your behalf. There are two forms of LPA:

- Health and Welfare
- Property and Financial Affairs

ILPAs replaced Enduring Powers of Attorney (EPA) on 1 October 2007. Any EPAs set up before that date will still be valid even if they have not been registered.

Why Set Up a Lasting Power of Attorney?

- You can choose who you want to make decisions on your behalf
- You can express how you want decisions about your finances or treatment to be made
- You can ease the pressure on your family, who might otherwise face long, distressing delays and expense to apply to the Court of Protection for control of your assets

Choosing your Attorney

Your attorney should be someone you trust and someone you know will make decisions in your best interests.

They could include:

- Your husband or wife
- Your partner
- A member of your family
- A close friend
- An accountant
- A solicitor
- A company

This means that you could have one (or more) who handle financial decisions and different people who decide about your care, or you can have both making decisions together.

What if I Don't Have a Lasting Power of Attorney?

If you don't make an LPA for property and financial affairs, an appropriate person will have to apply to the Court of Protection for a Court Order, which can be very expensive and timely.

For decisions about your health and wellbeing, a doctor or other medical professional who is responsible for your care will make a decision in accordance with their personal duty of care. Typically, they will seek the views of your next of kin to ascertain what is in your best interests. To ensure these are taken care of, it would be advisable to make an LPA.

At JMW, we want people to view LPAs as an important part of planning for their family's future. If you wish to know more about setting up LPAs, you can contact our friendly and dedicated solicitors today by calling **0345 872 6666** or filling in our [online enquiry form](#), allowing us to get in touch with you.

It is important to remember that a lasting power of attorney only grants control of your health and wellbeing when you have lost the capacity to make decisions for yourself.

JMW Solicitors

1 Byrom Place, Manchester M3 3HG

Tel: **0345 872 6666**

 <https://www.facebook.com/JMW.Solicitors>

 https://twitter.com/JMW_PIspeak

 <https://www.linkedin.com/company/665255>

 <https://plus.google.com/+jmw solicitors/posts>