



Understanding Lasting Powers of Attorney

Empowering Your Future: A Guide to Lasting Powers of Attorney

Our team at BurrIDGE & Pluck Solicitors pride ourselves on being a firm that not only delivers exceptional legal services but also fosters a culture of trust, transparency, and accessibility. We believe in going beyond the conventional to provide tailored solutions that truly meet the needs of our clients and ensuring that each individual is provided all the information they need to make an informed and confident decision.

We hope the following will answer some common questions but if you have any additional concerns or questions please do not hesitate to ask. Our service includes a full consultation and explanation of the nature of the LPAs and the authority you will be giving to your attorneys.

What is a Lasting Power of Attorney (LPA)?

A Lasting Power of Attorney is a legal document that allows you to appoint someone (or some people) you trust to make decisions on your behalf if you become unable to do so yourself. There are two types: Property & Financial and Health & Welfare.

LPAs can be created by any person over the age of 18 with requisite mental capacity. Whilst they may be something you consider in later life, there are exceptional benefits to creating these at any age to provide you with protection in the event of illness or accident, events which are often unexpected.

1. Property & Financial LPA: Taking Care of Your Finances

Who can I appoint as my attorney for property and financial matters?

You can appoint up to four people as your attorneys, and four replacements. Some people choose a trusted member of their family or friend, and other people prefer to choose a professional such as a solicitor.

Your attorneys can act either jointly which requires them to agree all decisions together or jointly and separately which will give them more flexibility and freedom.

What will my attorneys do?

In the event you are unable to manage your own Property & Financial Affairs, your appointed attorney will be able to manage your bank accounts, pay bills, and make decisions about your property and investments. If selected, you can also appoint your attorneys to act under your direction while you still have capacity (eg. If you are away on holiday, isolating or physically incapacitated).

When does the Property & Financial LPA come into effect- can my attorneys just take over?

It can be used if you lack mental capacity or if you simply want assistance managing your affairs. Decision making is on a scale and you may continue to be able to make simple decisions but may struggle with more complex decisions. Your attorneys are legally obliged to assist you to make as many of your own decisions as you can yourself. For as long as you have capacity, your attorneys may only act under your direction. If you were to lose capacity to make your own decisions, it is your attorneys duty to make decisions on your behalf, in your best interests, in a way that is the least restrictive on your rights and freedom.

2. Health & Welfare LPA: Your Wellbeing Matters

Who can be my health and welfare attorney?

You can choose up to four attorneys (and four replacements) to make decisions about your healthcare, living arrangements, and daily routine if you are unable to express your wishes. You can appoint your attorneys jointly or jointly and separately as explained above.

What will my attorneys do?

Your attorneys for Health & Welfare can only make decisions on your behalf if you have lost capacity. These decisions might include, what you wear, what you eat, where you live and who you should live with. Your attorneys will also be responsible for making decisions about medical treatment, care, all the way through to include consenting or refusing life sustaining treatments.

When is the Health & Welfare LPA activated?

This LPA is only effective if you lose mental capacity. It is a legal requirement to register the Health & Welfare LPA as soon as it has been created.

3. Why Should You Have an LPA?

In unexpected situations, LPAs ensure that someone you trust is legally authorised to act on your behalf. This safeguards your interests and wishes. If a person loses capacity and they have not previously made a Lasting Power of Attorney, you will have no-one who can legally manage your affairs. The alternative solution would be to apply to the Court of Protection for deputyship which is costly and can take up to 12 months to be granted. You would also have no control about who would be appointed.

4. How to Create an LPA

Our experienced team at Burridge & Pluck Solicitors will be happy to assist you in the preparation and registration of both Property & Financial and Health & Welfare LPAs.

Our Fees

	Fee
Single LPA	£450.00 plus VAT
Both LPAs	£650.00 plus VAT
Couples (LPAs x 4)	£1,100.00 plus VAT

In addition to our fees, there is also an additional registration fee of £92.00 per LPA, payable directly to the Office of the Public Guardian. Please ask for further information in relation to remissions or exemptions of their fees.

5. Making Changes to Your LPA

Can I make changes to my LPA after it's registered?

No, once registered, you cannot make changes. Whilst you have capacity you can cancel your LPA or remove an attorney if needed. You cannot add an additional attorney. To do this, you must create a new LPA. The benefit of instructing Burridge & Pluck Solicitors will be that you will be provided the knowledge and opportunity to ensure that as far as possible your LPAs suit your immediate and future needs.

Understanding Advance Decisions

1. What is an Advance Decision?

An Advance Decision, also sometimes referred to as a 'living will', is a document which lets you refuse any medical treatments that you do not want to be given in the future. It will only be used if you lack mental capacity to make or communicate a decision for yourself, and act as a supplementary document to a Health & Welfare Lasting Power of Attorney to provide further guidance about treatments you would want to refuse.

Advance Decisions are legally binding in England and Wales, providing they are valid at the date of signature.

2. Why should I make an Advance Decision?

You might lose mental capacity to make decisions, and if a decision needs to be made about your treatment or care, a doctor will have the final say unless you have made an Advance Decision or a Health & Welfare Lasting Power of Attorney, regardless of whether you are married, have children, or have family you would want to be involved in the decision making process. This can mean that if you have strong feelings regarding certain types of treatments that you would not want, these wishes may not be followed unless you have an Advance Decision in place.

You can use an Advance Decisions to refuse any medical treatment, including anything intended to prolong or sustain your life (known as life-sustaining treatment), such as attempting CPR.

Reasons people create Advance Decisions include that they do not want their life artificially prolonged, they have witnessed a loved one have a bad death, or that they simply want to be prepared for the future.

Our fees

We charge £200.00 plus VAT to assist you in creating an Advanced Decision. These do not require registering with any external body.

Commercial Power of Attorney

A **Commercial Power of Attorney** in England and Wales is a legal document that allows a business owner or company director to appoint someone (an "attorney") to act on their behalf in business matters. This can include managing contracts, handling financial transactions, signing documents, or making business decisions.

Benefits of a Commercial Power of Attorney:

- **Business Continuity** – Ensures that business operations continue smoothly if you are unavailable due to illness, travel, or other reasons.
- **Efficiency** – Allows a trusted person to act on your behalf without delays, which is crucial for time-sensitive transactions.
- **Risk Management** – Reduces the risk of disruption if the business owner or key decision-maker becomes incapacitated.
- **Flexibility** – Can be tailored to cover specific powers and timeframes, ensuring only necessary authority is granted.
- **Legal Protection** – Provides a clear legal framework for decision-making, reducing the risk of disputes.

Why You Should Make One:

If you own or run a business, a Commercial Power of Attorney is a valuable safeguard. It ensures that someone you trust can legally manage your business affairs if you are unable to do so, preventing operational delays and financial complications. It is especially useful for sole traders and company directors who want to protect their business interests.

Our fees

We charge from £350.00 plus VAT to assist you in creating a Commercial Lasting Power of Attorney. These do not require registering with any external body.

Contact Us for Assistance

Need help or have questions?

Our team is here to assist you in understanding and creating your Lasting Powers of Attorney, Advance Decisions or a Commercial Power of Attorney. Contact us for a consultation today.

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Note: This leaflet is a general guide. Legal advice tailored to your specific circumstances is recommended.