

LASTING POWERS OF ATTORNEY

A basic guide to the procedure and costs

The Mental Capacity Act 2005 introduced Lasting Powers of Attorney (“LPA”), with effect from 1st October 2007, to replace Enduring Powers of Attorney (*Note: Enduring Powers of Attorney made prior to that date will remain valid*)

The person creating the LPA (“the Donor”) must have sufficient understanding of the purpose of the LPA and the scope of the authority that they intend to give their Attorney(s). They must be under no pressure or influence to create the LPA and must be able to complete the forms without assistance, or must be able to give clear instructions for someone else to complete the forms on their behalf.

There are two separate LPAs and the Donor may choose to create either one, or both, of them:

LP1F is in relation to financial decisions
LP1H is in relation to health and care decisions

Creating the LPA

Jefferies will need to see the Donor personally in order to prepare the LPAs on their behalf. We usually prepare the LPAs at the initial meeting or in readiness for the meeting if sufficient information can be given in advance. Full name, address, telephone number, date of birth, occupation and e-mail address will be required for the donor and for each attorney.

Certificate Provider

Each LPA will require a “certificate provider” to certify that the LPA has been discussed with the Donor and that the Donor fully understands the scope and purpose of the LPA. The certificate provider can be a personal friend who has known the Donor for at least two years, a legal professional or a medical professional (such as a GP or Social Worker). Jefferies’ representative will act as the certificate provider, provided that those conditions are met.

Registering an LPA

An LPA cannot be used by the Attorney(s) until it is registered with the Office of the Public Guardian (“OPG”) It can be registered by either the Donor or by the Attorney(s) and an OPG registration fee of **£82** is payable for each LPA. In

some cases there is no fee or a reduced fee where the Donor is in receipt of certain benefits or has a low income.

Notice of the proposed registration must be given to any people that the Donor has specified on the LPA (this is optional). We will prepare and serve the relevant notices and submit the application to the OPG to register the LPA.

Costs

Jefferies' basic fees for dealing with the whole procedure as outlined above are **£450 + VAT for one LPA.**

For both LPAs for one Donor (Property & Financial Affairs and Health & Welfare) the fees will be **£750 + VAT for two LPAs**

For spouses both making an LPA in similar terms at the same time the costs will be **£750 + VAT for two LPAs**

For spouses both making both LPAs (Property & Financial Affairs and Health & Welfare) in similar terms at the same time the fees will be **£1,100 + VAT for the four LPAs**

An additional fee of **£75 + VAT** is payable if a home or hospital visit is required.

If the Donor wishes to go ahead with the creation of an LPA, please contact Kirsty Bone or Gill Tobin at this office to arrange an appointment.

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