



naphthens
solicitors

Lasting Powers of Attorney



For specialist, professional advice
Rely on us

www.naphthens.co.uk

Welcome to Napthens

At Napthens you'll find a comprehensive Wills and Estate Planning service from specialists who will ensure that the future of your estate is the future you planned. Everyone has their own specific idea of how they want their affairs to be managed. Our professional advisers provide a sympathetic and efficient service, treating each case on an individual basis to ensure the solutions we offer are best for you personally. One of our particular areas of expertise is in the preparation of Lasting Powers of Attorney.

Ensure your loved ones have the power to help you

Have you ever tried to assist a relative with their personal affairs and been refused because the bank wishes to speak with the account holder or needs you to verify personal security details?

In the UK no organisation can disclose private and confidential information to a third party. While security measures are necessary, what happens for example, when an elderly relative becomes housebound – who can deal with their banking? If you are out of the UK for a long period on business - who will manage your affairs in your absence?

Next of kin have no legal entitlement to deal with the affairs of a family member. Only a legally appointed Attorney can deal with the affairs of another. The document required to put an Attorney in place is called a Lasting Power of Attorney (LPA).

What is an LPA?

An LPA names your Attorney and what powers they shall have. Once an Attorney is in place they can deal with your affairs with full legal authority and no intervention from the Court. Should you lose mental capacity the Attorney can continue to deal with your affairs. As we are all living longer and have more complex family and financial arrangements, it has never been more important to put a Power of Attorney in place.



Guiding you through an LPA

There are two types of LPA

- **Property and Affairs:** Can take effect immediately or only to be effective if mental capacity is lost. It allows an Attorney to deal with financial affairs including closing bank accounts; transferring money; selling property; making gifts; discharging debts.
- **Personal Welfare:** This power can only operate should mental capacity be lost and allows an Attorney to make health decisions upon your behalf including where you should live; who you live with; who should be your doctor/dentist etc.

Who can be an Attorney?

You can appoint one or more Attorneys but they must be people that you trust absolutely. An Attorney must have appropriate expertise and knowledge of your affairs so that you can trust them to make the same decisions you would have made, had you been able.

What are the benefits of an LPA?

An LPA is extremely flexible. You can appoint an Attorney to deal with your personal affairs and a different Attorney for business affairs. You can restrict powers to only take effect if you lose mental capacity or you can limit powers to the management of particular assets. In the Personal Welfare LPA you can state whether your Attorney is to have power to consent or refuse life sustaining treatment. An LPA can be tailored exactly to your circumstances to reflect your wishes.

Let us help you.

If you wish to make a Lasting Power of Attorney:

Contact Head of Department
Kathryn.Harwood@napthens.co.uk
or call 01772 904359

Are there alternatives?

If you do not have a Power of Attorney and you lose mental capacity, a relative will have to apply to the Court of Protection for a Court Order. The person appointed to deal with your affairs would be supervised by the Court and would need to supply annual accounts explaining how resources have been managed. For a significant transaction such as a house sale, another application would have to be made to the Court. The process is very long winded, expensive and stressful for those involved. Due to the length of time it can take, family members often find themselves unable to assist their loved ones at their time of greatest need. An LPA eradicates this difficult process.

How do I put an LPA in place?

At Napthens we have specialists within our team with particular expertise in dealing with Lasting Powers of Attorney. They will advise and guide you through the process to ensure your wishes for the future are met precisely. Should you have any questions about the process or would like to arrange an appointment with one of our solicitors, please contact us to arrange a convenient appointment.

www.napthens.co.uk

Get in touch

Preston: 7 Winckley Square, Preston, PR1 3JD. DX 714572 Preston 14 **T:** 01772 888 444 **F:** 01772 257 805 **E:** Preston@napthens.co.uk

Blackburn: St Andrew's House, Wellington Street (St Johns), Blackburn, BB1 8DB. DX 17964 Blackburn 1 **T:** 01254 667 733 **F:** 01254 681 166 **E:** Blackburn@napthens.co.uk

Blackpool: 41-43 Springfield Road, Blackpool, FY1 1PZ. DX 714350 Blackpool 5 **T:** 01253 622 305 **F:** 01253 295 591 **E:** Blackpool@napthens.co.uk

Chorley: 10-12 St Thomas's Road, Chorley, PR7 1HR. DX 18412 Chorley **T:** 0845 260 2111 **F:** 01257 260 096 **E:** Chorley@napthens.co.uk

Napthens LLP registered office: 7 Winckley Square, Preston, Lancashire PR1 3JD.

Napthens LLP is a limited liability partnership registered in England and Wales: OC325775. The term "Partner" indicates a member of Napthens LLP who is not in partnership for the purpose of the Partnership Act 1890. A list of members is available from our registered office.