



Your guide to making a Lasting Power of Attorney



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across South Wales

Merthyr Tydfil | Nelson | Cardiff | Pontyclun

Your guide to making a Lasting Power of Attorney (LPA)

This document is designed to guide you through the process of making an LPA. It provides information on the different types of LPAs available and the importance of preparing for your future.

To make an LPA you will need to consider:

1. **The types of LPAs available to you**
2. **Your Attorney(s)**
3. **Your replacement Attorney(s)**
4. **When your Attorney(s) can act**
5. **Instructions and preferences**
6. **Registration**

When making an LPA here at JNP Legal, an experienced lawyer will take you through an initial appointment, whether by phone or in person, to discuss your instructions and advise you accordingly. Your LPA is then drafted based on your instructions.

Sometimes it may be necessary for you to attend a follow up appointment to sign your LPA, and in other circumstances your final LPA can be sent to you with clear guidance on how you and your Attorney(s) can validly sign the LPA.

Why make a LPA?

LPAs are legal documents that allow an individual known as the 'Donor' to appoint a person or persons known as the 'Attorney(s)' to act on their behalf or in their name.

There are two types of LPA:

- Property and Financial Affairs
- Health and Welfare

LPAs can be used at the point they are registered with the Office of the Public Guardian and if you were to lose mental capacity.

Making an LPA gives you the control now, to make decisions that may affect you in the future. They are vital tools in preparing for the unknown, and ensuring all your affairs are in order.

At JNP Legal, we appreciate that planning for your future may give rise to challenges, but our friendly and approachable team can advise and guide you through every step of the process.



1. Types of LPAs

LPA for Property and Financial Affairs

This document allows Attorney(s) to act and make decisions on your behalf in relation to:

- Buying and selling property and other assets
- Paying bills
- Managing bank accounts and investments
- Tax affairs
- Claiming state funded benefits

LPA for Health and Welfare

This document allows Attorney(s) to act and make decisions on behalf of the Donor in relation to:

- Living arrangements
- Diet and nutrition
- Care needs
- Medical treatment

In the LPA, you can document your specific wishes in relation to end of life treatment.

2. Your Attorney(s)

Your Attorney(s) are the people you choose to make the decisions on your behalf. Your Attorney(s) should be people who you trust to make important decisions for you.

3. Your replacement Attorney(s)

As well as appointing Attorney(s), you can appoint their replacements, should anything happen to your Attorney(s) during your lifetime, meaning they can no longer help or assist you. It is important to consider replacement Attorney(s), so that the LPA covers as many situations as possible, to ensure that you always have someone you trust available to help you when you need it most.

4. When your Attorney(s) can act

You can specify in your LPA when you would like your Attorney(s) to be able to act on your behalf:

- As soon as the LPA is registered with the Office of the Public Guardian; or
- Only if you lose mental capacity.

If you choose the second option, medical evidence would be required at the time your Attorney(s) use the LPA to show you have lost capacity. If decisions need to be made quickly, the waiting on evidence can adversely affect your Attorney(s) ability to help you. There may also be cost implications with obtaining evidence, depending on the medical professionals involved.

5. Instructions and preferences

You can include preferences or instructions in your LPA, giving your Attorney(s) directions as to how you would like them to act in certain circumstances.

Caution needs to be taken when including instructions as they are binding on the Attorney(s) and could restrict how they can act.

6. Registration

Your LPA will only be valid for use once it has been registered with the Office of the Public Guardian.

The registration process for LPAs can take an extended period to complete, with the exact duration varying due to factors beyond our control.

When you speak to one of our solicitors, they will provide up-to-date information on current timelines to ensure you are fully informed.

Lifetime Planning services

We wish to draw to your attention other Lifetime Planning services that we offer including:

- Wills
- Trust preparation (including property trusts)
- Application for Grant of Probate/Letters of Administration
- Estate Administration
- Post death variations
- Court of Protection applications



If you require any further information, please do not hesitate to contact a member of our Lifetime Planning Department.

www.jnplegal.org



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