

Who would look after my personal welfare and finances if I were unable to?

If you don't know the answer to the above question then you are not alone.

We often take for granted the ability to manage our financial affairs, such as paying household bills, mortgages, healthcare costs and give little thought to what might happen if we were unable to manage these tasks anymore.

Why would I be unable to manage my affairs?

For various reasons such as mental incapacity or physical restrictions, both of which can result from illness, accident or old age.

What can I do?

Set up a Lasting Power of Attorney ('LPA') - a legal document which allows you to appoint someone you trust (known as an 'Attorney') to act on your behalf if or when the need arises. This is different to an 'Executor' in a Will who can only act after your death.

There are two types of LPA. One deals with finances and can be used even if you are not mentally incapable, for example, if you have difficulty in physically getting out and prefer to have someone take care of things for you. The other kind deals with personal welfare matters, such as where you live, what you eat, medical care etc. This type can only be used if you lack the mental capacity to make such decisions yourself.

Who should I appoint as my Attorney?

Your Attorney or Attorneys could be trusted family members, friends or a professional such as a solicitor. We strongly recommend choosing more than one Attorney

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so that you are covered in the event of one of your Attorneys being unavailable if or when action is required. Solicitors are a popular choice as, not only are they experienced in handling the kinds of responsibilities involved, their strict regulation by the Solicitors Regulation Authority offers peace of mind.

What is involved in making an LPA?

After choosing an Attorney(s), you should make an appointment to discuss your requirements, including any restrictions you may want to place on your Attorney's authority. We will then prepare a draft for you, which, once approved, can be registered at the Office of the Public Guardian so that it is in place should the need for it arise at a later date.

What happens if I don't have an LPA and become unable to manage my affairs?

The Court of Protection will deal with your affairs and appoint somebody to act on your behalf. This may not be the person you would have chosen and the process is not only expensive and complex but the costs involved are ongoing. Furthermore, there could also be delays in actually administering your finances whilst your application is being processed.

Why use Ware & Kay?

At Ware & Kay, we understand that the process of making an LPA can be a sensitive one as it requires you to look ahead to potentially difficult future events. As LPAs have such far-reaching financial and personal welfare effects, it is important not only to obtain proper legal advice but to reach a solution with which you are happy. Our highly qualified and experienced Wills & Probate team understands the importance of ensuring your peace of mind and will handle your case with Ware & Kay's trademark combination of sensitivity and legal expertise.

Contact us

If you require further information on LPAs or any Wills, Probate, Tax or Estate Planning matter, please contact a member of our Wills & Probate Team on York **01904 716 000** or Wetherby **01937 583 210**.

Ware & Kay LLP

good on paper, even better in person

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