

New Powers of Attorney



From 1st October 2007 there are new rules governing what you can do to give someone you trust power to make decisions for you if you lose the capacity to make them yourself.

As well as making a Will to plan for the future some people now make an Enduring Power of Attorney. This gives someone else power to continue to manage their finances if they lose the capacity to do so. This doesn't just happen when people get old; we can all have accidents or illnesses. Planning ahead can save both money and stress for people you care about.

The Mental Capacity Act 2005 introduces a new regime of Lasting Powers of Attorney (LPA). Under an LPA you can not only give one or more people you trust power over your finances, but also require that they be consulted over questions concerning your health and welfare. This includes "Advance Directives" about medical treatment.

As well as extending what you can do, the LPA regime also extends the protection against abuse. An estimated 15% of EPAs are abused by the attorney using the donor's money for their own benefit. However, the new LPA regime is more complicated, and includes requirements for registration with the new Office of the Public Guardian. If you are considering giving someone an LPA, or becoming an Attorney yourself, you should take legal advice about that. Harris & Harris have many years experience protecting the vulnerable and helping people operate Powers of Attorney.

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