



## **LASTING POWERS OF ATTORNEY & APPLICATIONS FOR DEPUTYSHIP**

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## Lasting Powers of Attorney

Lasting Powers of Attorney replaced Enduring Powers of Attorney at the end of September 2007. If you created an Enduring Power of Attorney before the 1st of October 2007 this document is still valid and gives your appointed Attorney(s) the power to deal with your financial affairs. However, should you lose mental capacity this document will be ineffective until such time as it has been registered with the Office of the Public Guardian.

Lasting Powers of Attorney come in two forms, namely Property & Financial Affairs and Personal Welfare (matters relating to your medical treatment and where you should live). You can grant either or both of these powers of attorney and you do not have to appoint the same attorney(s) for both. These powers of attorney are similar to the enduring powers but must be registered with the Office of the Public Guardian to be effective. DF Legal LLP recommends that they are registered when they are granted - there may be a registration fee payable depending upon your financial circumstances. Lasting Powers of Attorney continue to be valid even if you lose mental capacity; enabling your appointed attorneys to act for you without any delay.

We advise our clients of all ages to grant Lasting Powers of Attorney so that the appropriate arrangements are in place should they be required at some time in the future and can be used immediately. Please read Applications for Deputyship below.

## Applications for Deputyship

If you are in the situation where you need to deal with someone's affairs, as they are no longer able to do so themselves and they have not granted either an Enduring Power of Attorney or a Lasting Power of Attorney, then you will need to apply to the Court of Protection to be appointed to act as their deputy.

This is a much more costly and complicated procedure than granting a power of attorney; the application process requires exact completion of detailed forms in order to provide the Court with the full evidence as to the person's state of health, financial affairs and details of other family members and friends involved with the person.

An application fee is payable and it takes approximately six months for the order to be granted from the time the application is made at the very time when you are coming to terms with your new situation and that some urgent action may be needed.

Once the order has been made the Court of Protection is actively involved in the person's affairs from then on. You will be allocated a category of supervision and an annual 'Deputy Supervision Fee' is payable which is dependant on the level of supervision require. This annual fee can be up to £800 per annum. Deputies are required to submit an annual account to the Court of Protection and to arrange a guarantee bond which cost approximately £100 per year.

The paperwork and process of applying to be appointed as a Deputy can be daunting. DF Legal can assist you with this process. Please contact our Wills, Probate and Trust department for more information.

## **Next Stage....**

Should you require any further information or seek to instruct us, please do not hesitate to contact David Ferraby at [dferraby@dflegal.com](mailto:dferraby@dflegal.com) or on 01684 850750

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Please note:

This guide contains information on current legal issues at the time of printing. There may be subsequent changes to which has not been incorporated in this Guide. Please note that this information is supplied as a guide only and therefore its contents should not be applied to any particulars or relied on without legal or other professional advise.