



Estate Planning, Lasting Powers Of Attorney and Services for Later Life

Rowberry Morris Solicitors are here to help you plan for the future, whatever your age, providing specialist, experienced advice for you, your family and carers on Estate Planning, Lasting Powers of Attorney, Deputyships and other Court of Protection applications.

Trusts and estate planning

If your estate exceeds the inheritance tax threshold (currently £325,000), there may be inheritance tax to pay on your death. Frequently in conjunction with independent financial advisors and/or accountants Rowberry Morris can advise you on the options available for minimising any potential inheritance tax liability, both in your will and through lifetime gifts and trusts. Trusts can also be a useful way of protecting assets for future generations.

Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) is very useful if you lose the capacity to manage your affairs and sadly that may not only be a consequence of old age. None of us can guarantee what tomorrow will bring, so its wise to make a Lasting Power of Attorney before it is too late! There are two types of LPA:

Property and Financial Affairs LPA – this gives your chosen attorney(s) authority to deal with your property and finances. If you so wish your attorneys can also act in such capacity for you while you have mental capacity which may be particularly useful if mobility is lost or becomes limited.

Health and Welfare LPA – this gives your chosen attorney(s) authority to make decisions about your personal welfare, such as daily care and medical treatment. Your attorneys can only act in such capacity if you are unable to make the relevant decision yourself.

No LPA can be used by your attorney(s) without it first being registered with the Office of the Public Guardian. Rowberry Morris can guide you through the process of making an LPA and ensuring the document is registered correctly.

What about Enduring Powers of Attorney?

It is no longer possible to make an Enduring Power of Attorney (EPA) but EPAs made before October 2007 remain valid. Where the donor of an EPA has lost capacity, it must be registered with Office of the Public Guardian. Rowberry Morris can assist you with the registration process.

Can my Attorneys do what they want?

No. The Mental Capacity Act 2005 makes it very clear that if the donor of the LPA retains capacity the attorneys must make every reasonable effort to assist him/her in making their own decisions. If the donor of an LPA lacks capacity to make the decision in question the attorneys must act in the donor's best interests even if that is contrary to the interests of the attorney

Can I "sack" my Attorney(s)?

Yes. As long as the donor retains mental capacity he can revoke his LPA at any time.

Deputyships and Court of Protection applications

A LPA cannot be made if you lose mental capacity. If you are no longer mentally able to manage your own affairs no one else has the right to deal with your financial affairs and an application may well need to be made to the Court of Protection for the appointment of one or more Deputies to manage your affairs. Rowberry Morris can advise on Deputyship and other Court of Protection applications, such as an application to amend or make a will.

Key contacts

Our experienced team includes members of STEP, Solicitors for the Elderly and the Law Society's Private Client Section.

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