

Lasting Power of Attorney

“Solicitors fear lasting power of attorney will cause mental capacity confusion”, was a headline in the Law Society Gazette, 1st May 2006. “Under the current regime, a registered EPA provides confirmation that the person has lost capacity and their donee can legally take over their property and financial affairs. Under the new system, capacity must be assessed in relation to a particular decision, at the time the decision needs to be made, and not the person’s capacity to make decisions generally.” The Society foresees that this will make difficulties for banking staff.

The article finally points out: “Unlike EDA’s, LPA’s can extend to personal welfare matters, as well as property and financial affairs, including end-of-life decisions.”