

# SOLICITORS FOR THE ELDERLY

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## TIME RUNS OUT FOR ENDURING POWERS OF ATTORNEY

**Q. *Have you signed an Enduring Power of Attorney (EPA)?***

A. Everyone over the age of 18 should make one if they have a trusted person or people in their lives.

**Q. *What does it do?***

A. It is a legal document which allows you to choose a trusted person or persons, known as an Attorney(s) to act on your behalf in relation to your financial affairs and property.

**Q. *Can it be used straightaway and whilst I have full mental capacity?***

A. If you wish it to – yes. It can be very useful, for example if you were in hospital for a while your Attorneys, at your request, could use your bank account to pay your bills. Once you are better you could take full charge again.

**Q. *What if I lose mental capacity and I can no longer deal with my financial affairs?***

A. Your Attorneys will be able to act for you once the EPA has been registered with the Court of Protection, which is a straight forward procedure.

**Q. *What if I haven't signed one and I am no longer able to deal with my financial affairs?***

A. Many people believe that a close family member can act, but this is not true! Without an EPA there is **NO-ONE** legally in place to act and someone will have to apply to the Court of Protection to be appointed as Receiver. **It is expensive, time consuming and long winded** - not to mention the emotional cost and so it is best avoided if at all possible.

**Q. *But time is running out?***

A. Yes -from Autumn 2007 no new EPAs can be made. Only those who have already signed an EPA will be able to keep and use them.

**Q. *Why?***

A. The Mental Capacity Act 2005 will come into force and replace EPAs with Lasting Powers of Attorney (LPAs). LPAs have positive and negative sides. On the positive side it will be possible to appoint attorneys to act not only in relation to finance and property, but also health, welfare and end of life decisions. On the negative side they will be a more complex document than EPAs to make. They are expected to be at least 25 pages long and must be registered with the Public Guardian before use. It is expected they will cost significantly more than an EPA to make. EPAs are less complex and can be used in many situations without the involvement of the Court of Protection or the payment of additional fees.

**Q. *What should I do?***

A. Don't wait! Get legal advice now from a member of Solicitors for the Elderly (SFE).