

DEPUTYSHIP ORDERS



If someone becomes mentally incapable of managing their own affairs without an Enduring Power of Attorney (EPA) or Lasting Power of Attorney (LPA) in place it is still possible for an appropriate person to be appointed to help them manage their property and affairs. This is known as a Deputyship Order and is issued by the Court of Protection. A friend, relative or solicitor can apply to become someone's Deputy.

Every application for a Deputyship Order must contain extensive details about the person who is alleged to lack capacity. The application also requires a Certificate of Capacity to be completed by a medical practitioner.

The application process can often be complicated and time consuming. Once the application is lodged, it usually takes between six and ten months to have a final Order made.

Once the Court appoints a Deputy, an Order will be received setting out their specific powers in relation to the person who lacks capacity. The Deputy will then be required to liaise with the Court on a regular basis about the management of the affairs of that person.

For further information on Powers of Attorney or Deputyship Orders, please contact a member of the Private Client Team on **0161 764 5266** or email **info@clough-willis.co.uk**

Specialists in:

Elderly Client guidance; Long term care advice; Powers of Attorney; Court of Protection Applications; Wills and Estate Planning.

LASTING POWERS OF ATTORNEY

Lasting Powers of Attorney (LPA) documents replaced Enduring Powers of Attorney (EPA) documents in October 2007. Anyone over the age of eighteen can put an LPA in place as long as they have the mental capacity to do so. There are two different types of LPA available – one dealing with Property and Affairs, the other with Personal Welfare.

Creating an LPA allows you to choose individuals (your “Attorneys”) who you would like to have authority to deal with your affairs. Your Attorney will have significant duties and responsibilities so it is vital that you choose people that you trust completely.

Each LPA requires an appropriate person e.g a doctor or solicitor) to complete a Certificate of Capacity before the document can be registered. Registration on a central register is required before the document can be used. This process takes approximately three months which means an LPA can be prepared and made available for use in less than four months in the majority of cases.

Your contacts



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