

Stages in the Preparation of Lasting Powers of Attorney (LPA)

1. You meet face to face with the Fee Earner and provide all the relevant details. Name, address and dates of birth of yourself and your Attorneys. Please bring your passport or photo driving licence and a recent utility bill or bank statement by way of ID for copying. You need to decide whether you want both parts of the LPA namely to deal with your financial affairs and your health & welfare. You can have one part without the other. If you are just appointing one Attorney you will need to think about replacement Attorneys should your sole Attorney be unable to act. If you are appointing more than one Attorney then you will need to decide whether they act jointly or jointly and severally. The Fee Earner will talk you through this decision. Also, as far as the Health & Welfare LPA is concerned you have to make a decision about permitting your Attorney(s) to accept or refuse life sustaining treatment. The Fee Earner will explain all this to you when you come to sign the original(s). This meeting usually takes between 30 minutes and one hour
2. The Fee Earner sends the letter of engagement and our terms of business setting out our professional charges and the court registration fees. The Fee Earner prepares the paperwork based on your instructions. This is sent via your chosen method within 10 working days of receipt of your full instructions
3. On receipt of this letter you telephone the office to make an appointment to see the Fee Earner in the office to sign the original LPA(s). If any amendments are required they should be made known at this point so that the amendments can be made prior to the meeting. How long this stage takes depends on you
4. You attend at the office with any proof that your gross annual income is below £12,000 or that you receive one of the qualifying benefits. If your Attorneys are available they can also attend and sign at the same time and the Fee Earner can witness their signature(s). The Fee Earner not only acts as your witness but also as a certificate provider stating that he or she has explained the nature and implications of signing the LPA(s) and that you understand that explanation and that you are signing free from any undue influence. The Fee Earner explains the whole document to you before you sign to ensure that you understand. The invoice for our professional services and the court registration fee is produced and settlement via debit card at this meeting is appreciated. This meeting usually takes between 30 minutes and one hour
5. If any other signatures are required the Fee Earner will send the paperwork through the post to the Attorneys with instructions how to sign and date the form(s) and they will have to find their own independent witness. If the Attorneys are local then the form(s) can be placed on reception, and they can call in during normal office hours to sign in the presence of our receptionist who will add her details as witness. The signed paperwork is returned to us. How long this stage takes depends on how many Attorneys' signatures are required and how quickly they return the signed documents. We have to check that all is in order or request Attorney(s) to resign
6. Once the LPA(s) have been correctly signed and dated the Fee Earner submits the registration application to the Office of the Public Guardian (OPG) together with the original LPA(s), the registration fee and any supporting documentation as evidence

of fee reduction or exemption. Copies are retained. This stage can take between 8 and 20 weeks depending on the OPG's workload

7. The OPG writes to us to let us know the anticipated date of registration.

8. The LPA(s) are validated by the OPG on registration by perforations along the bottom of each page of the original(s) and returned to us through the post. We let you know that the registration application has completed. We keep an electronic copy, and the original(s) are stored by us for a one-off fee. We can let you or your Attorneys have certified copies (which are as good as the original) upon request. There is a fee of £12 (including VAT) for each certified copy requested as the Fee Earner has to copy the lengthy documents, stamp and sign every page. If you have capacity you can certify copies yourself. You may decide to have a certified copy of any Health & Welfare LPA as soon as it is registered so that if you went into hospital the Attorney could access your home and find the copy to produce to the consultant etc. This is just in case you were admitted at a time our office was not open. You could pay for certified copies for yourself and each Attorney. With regard to the financial LPA, its production is not usually urgent, and we can provide as many certified copies at the time it is necessary to implement it. Your Attorney(s) will need to provide each financial institution with whom you have dealings and where the Attorney is to take control together with their ID. The financial institution then registers the LPA on their system and the Attorney's signature will be accepted from then on. This does not necessarily mean that you cannot act in your own right anymore. As long as you still have capacity you can let the financial institutions concerned know that your Attorney is operating the LPA with your consent. You can't do that with the Health & Welfare one as the medical profession will only speak to your Attorney if you lack capacity.

We advise that we always keep the original LPA(s) for you. However, the original(s) or certified copies can be provided to you or your named Attorney(s) at any time upon production of ID. There is currently no charge for releasing the original(s). We have heard terrible stories of originals being scanned onto their systems by financial institutions and then destroyed rather than being returned to you so care must be taken with the original(s). The OPG can provide copies at a cost of £35 each.

If you cannot attend at the office due to physical limitations both these appointments can be made at home, in a care home or hospital provided they are local to the office at no extra charge.

At the initial meeting the Fee Earner will assess your mental capacity and judge whether or not you are able to provide instructions for the preparation of your LPA(s). Please let him or her know whether you have any diagnosis of Alzheimer's or dementia or are taking any medication which may affect your faculties. Such diagnoses do not mean we cannot take instructions as there are varying degrees of impairment. If he or she is in any doubt a doctor will have to provide us with a report stating whether or not you have sufficient mental capacity to proceed. We obtain your consent to approach your GP, and we correspond direct.

Please expect to be seen on your own.

Fee Earners

Solicitors

Director/Supervisor: **Deborah Millington**

deborahmillington@hargreavesgilman.com

Qualified in September 1992 and specialised exclusively in this area of the law ever since with experience in drafting Wills, Deeds of Variation, Assents, Gifts of residential properties, Deputyship applications, preparation of Powers of Attorney and administration of Estates

Set up Hargreaves Gilman in December 2002.

Head of Private Client Department/Supervisor: **Qasim Ali Ullah**

qasimullah@hargreavesgilman.com

Qualified in April 2024 and specialised exclusively in this area of the law since May 2021 with experience in drafting Wills, Deeds of Variation, Assents, preparation of Powers of Attorney and administration of Estates

Joined Hargreaves Gilman in September 2025

Tony Learoyd (tonylearoyd@hargreavesgilman.com)

Qualified in June 2015 and specialised exclusively in this area of the law ever since with experience in drafting Wills, Deeds of Variation, Assents, Gifts of residential properties, Deputyship applications, preparation of Powers of Attorney and administration of Estates.

Joined Hargreaves Gilman in November 2016.

Wills & Lasting Powers of Attorney Practitioner and Probate Paralegal

Chloe Louise Marsland

chloemarsland@hargreavesgilman.com

Achieved a first in her law degree and distinction in her Legal Practice Course with Masters. She has specialised in the area of Wills & Lasting Powers of Attorney since February 2024.

Joined Hargreaves Gilman in May 2025.

Other members of staff in the Private Client Department

Wills & Probate Paralegal

Juan Moliner-Casani

juanmoliner@hargreavesgilman.com

Completed his Law degree in July 2024 whilst employed as a Probate Paralegal from June 2024. His Solicitors Qualifying Exam course commenced in June 2025.

Joined Hargreaves Gilman in February 2025.

Please telephone the office on 0161 443 1711 to make an appointment to see one of our specialists.

We are all assisted by Gwyneth Hughes who has been a legal secretary with Hargreaves Gilman since July 2003. She will be able to book you in for an appointment and outline the procedure including costs, terms of business, proforma instructions and what to bring to your appointment.