



## Understanding Some Of The Legal Arrangements For Managing Financial Affairs Of Another Person



Most people are able to manage their own financial affairs but others may need some help either on a temporary or permanent basis. This information sheet gives details of various methods of financial administration and the procedures involved.

However, no information sheet can ever be a complete guide to the law which changes from time to time. Legal advice should always be sought if you are in doubt. It may be advisable to seek legal advice before signing any of the documents referred to in this information sheet

### ARRANGEMENTS FOR COLLECTING BENEFITS

Many people arrange for someone else to collect their pensions and benefits occasionally if they are unable to do so. This can be done by contacting the local office. For Redbridge this is Department of Works and Pension (DWP) Wentworth House, Eastern Avenue, Gants Hill, Ilford. Tel: **020 8532 4200**

### LASTING POWER OF ATTORNEY

On 1<sup>st</sup> October 2007 the Mental Capacity Act 2005 comes in to force, replacing enduring powers of attorney (EPA's) with lasting power of attorney (LPA's). Under the current EPA a person (the donor) can give someone else (the attorney) the power to make financial and legal decisions for them. Any EPA's completed before the 1<sup>st</sup> October 2007 will remain valid and can stay dormant until such time as the donor becomes mentally incapable of managing their affairs.

The new LPA is a longer and more comprehensive document. It allows the donor not only to choose attorneys to deal with their legal and financial affairs but also to make personal welfare decisions on their behalf such as where the donor is to live. Rather than being registered only when the donor has lost capacity the LPA must be registered with the Office of the Public Guardian in all cases even whilst the donor still has mental capacity before it can be used.

Professionals or family members can be appointed to make certain decisions on the donor's behalf in the future. This means the donor can be reassured that someone will step into their shoes should they be unable to make their own decisions either on a temporary or permanent basis.

More information can be obtained from the Public Guardianship Office on [www.guardianship.gov.uk](http://www.guardianship.gov.uk). All forms can be downloaded but if hard copies are required please contact Customer Services on **0845 330 2900**

## **WILLS**

It is always important to make a will and to see a solicitor when doing so. In the event, for example of a person being diagnosed as suffering from severe mental impairment (such as dementia), advice from a solicitor about the legal and financial situation should be sought. The person's partner or other family members will also need legal advice. This is particularly important if seeking to make or change a will.

## **WHERE TO GO FOR HELP**

**Citizens Advice Bureau:** Broadway Chambers, 1 Cranbrook Road, Ilford IG1 4DU Tel. **0870126 4140**. Advice is free and confidential. CAB can refer you to appropriate professionals or organisations.

*Updated Oct 2007*