



LASTING POWER OF ATTORNEY Client Questionnaire

1. Personal Information

Your Names in full, [Surname then Christian Names] & Title	
Other names you are known by Or hold assets in	
Date of birth	
Your full postal address	
Postcode	
Telephone number(s)	Home : Mobile : Work :
Email address	
Domestic status, e.g. married, widowed, divorced	
Give details of any other current Power of Attorney you may have, [a copy of this will be needed]	

2. Type of Lasting Power of Attorney

Please Tick which type of Lasting Power you wish to make:

Financial Decisions Lasting Power of Attorney

Health & Care Decisions Lasting Power of Attorney

Both Types of Lasting Power of Attorney

3. Choice of attorney(s)

Consider the following points when choosing your attorney(s):

- They must be over 18 years of age
- They must not be an undischarged or interim bankrupt, [For a Financial decisions power only]
- They must be absolutely trustworthy and have the appropriate skills to make decisions on your behalf
- They should be people with whom you have a settled and easy relationship and if choose more than one, who get on well with each other, or who are likely to do so.
- You can appoint just one attorney, but it is advisable to appoint more than one to and ensure continuity in case the main attorney cannot act.
- They can be family members, friends or a professional adviser, e.g. a solicitor
- They must agree to acting and should understand the role they will be fulfilling
- If you hold your property as Tenants in Common you will need at least two attorneys

Attorney 1	
Full name & Title	
Date of birth	
Address	
Telephone numbers: Home Mobile	
Relationship to you	
Email address	

Attorney 2	
Full name & Title	
Date of birth	
Address	
Telephone numbers: Home Mobile	
Relationship to you	
Email address	

Attorney 3	
Full name & Title	
Date of birth	
Address	
Telephone numbers: Home Mobile	
Relationship to you	
Email address	

Attorney 4	
Full name & Title	
Date of birth	
Address	
Telephone numbers: Home Mobile	
Relationship to you	
Email address	

4. How do you want them to operate in their role as Attorney?

- If you have more than one attorney, they can act jointly (attorneys must agree every decision unanimously) or jointly and severally so that they can sometimes sign together and sometimes individually. This works well when the attorneys do not live near to each other, or if one were to retire or die, then the other attorney could still act. If you appoint your attorneys to act jointly only then the power will end if, for example one dies, loses mental capacity or decides they no longer want to act.
- You can ‘mix and match’ by setting out what matters you want your attorney to act jointly for some decisions and jointly and severally for others. Financial institutions may not accept such authority, as it can be difficult to work in practice as your instructions must be very clear and precise as to how the attorneys should act and when.
- If you appoint your spouse or civil partner, the subsequent dissolution of your marriage or civil partnership will end the appointment of your spouse/civil partner, unless you have indicated otherwise.

I would like my attorneys to act (please tick the relevant box):

Jointly & Severally

Jointly

Jointly for some decisions and severally for others

5. Do you wish to appoint Replacement Attorneys?

Please Note: These can only act if the main attorneys become incapable or die

Replacement Attorney 1	
Full name & Title	
Date of birth	
Address	
Telephone numbers: Home Mobile	
Relationship to you	
Email address	

Replacement Attorney 2	
Full name & Title	
Date of birth	
Address	
Telephone numbers: Home Mobile	
Relationship to you	
Email address	

6. When can your attorneys make decisions [LPA for Financial Decisions only]

A financial LPA can be used as soon as it is registered to make it valid. If you have mental capacity you can tell your attorneys to start using it straight away, and they can then carry on acting even if you lose capacity subsequently. Alternatively, you can choose that the LPA can only be used if you **don't** have mental capacity, however this can cause problems if you become physically unable to sign but still have capacity as your attorneys could not then act for you. Please tick the appropriate box below to show your preference:

As soon as my LPA is registered OR Only when I don't have capacity

7. People to be notified when the LPA is registered

You can choose up to five people to be notified (but not an attorney or replacement attorney) when the LPA is about to be registered with the Office of the Public Guardian. It is an important protection as they can raise concerns on your behalf. You do not have to select anyone but it is worth considering. Ideally the people chosen should be:

- Someone with whom you are likely to have contact throughout your life, such as a family member or close friend
- Someone who is interested in your best interests and well being
- You should tell them that you are naming them and make sure they are happy to be named. They do not have to do anything when they are contacted unless they have any concerns over what you are doing

Named Person 1	
Full Name & Title	
Full Address	
Relationship to you	
Telephone Number	

Named Person 2	
Full Name & Title	
Full Address	
Relationship to you	
Telephone Number	

8. Do you have specific Instructions on how your attorneys can act?

Without you setting out any formal instructions your attorney will be able to make decisions that you are able to make over your property and finances; if you are making a Financial decisions power, or over all your health and welfare decisions in a Health & Care decisions power.

Instructions tell your attorneys what they **must** do when they act for you. You do not need to include any and **it is usually not advisable as it can prevent flexibility**. We have shown below some examples of instructions which you could include

Possible Financial Decisions Instructions:

- Preventing your attorney from making any gifts e.g. birthday presents
- Not selling your home until you can no longer live there independently
- Restricting when the document is registered with the Office of Public Guardian
- Provision for accounts to be prepared and audited annually by an accountant
- Insisting your attorneys consult an IFA before making investments over a set limit

Possible Health & Care Instructions:

- Stating you are not to go into residential care unless your doctor confirms that you can no longer live independently
- Restricting who you have contact with or who has contact with you

If you wish to include instructions we will need to discuss this in detail with you.

9. Do you have any preferences on how your attorneys should act?

Preferences are things you would like your attorneys to think about when making decisions on your behalf, and you are offering them your views and advice. This could include the following:

- The people you would like you attorney to consult when making decisions
- Your views, beliefs and values that may affect how the attorney makes decisions, such as where you would like to live and with whom and how your money is to be invested and spent, including whom you would like to be maintained.

If you have any preferences please give brief details below and we can then clarify these

10. Paying your attorneys

Generally, family and friends would not expect to be paid, but they can recover out-of-pocket expenses paid on your behalf. You can if you wish set out that a non-professional attorney can be paid a fee but this must be clearly stated as otherwise if you **don't** they **can't** be paid. If you are appointing professional attorneys, they will need to be paid for their work. This must be specifically set out in section 7 under **Instructions**.

11. Your Chosen Certificate Provider

Your certificate provider is either someone impartial who has known you well for at least Two Years or is a professional person such as your Doctor or Lawyer. We can act as your Certificate Provider if we are not appointed as one of your attorneys, or can arrange for someone else to carry out this service for you if we are appointed.

Full Name & Title	
Full Address	
Knowledge/Skills & Expertise	

12. Reduced Application Fee

Do you qualify for a reduced fee? No Yes
[Insert details in box of basis of remission or exemption]

I agree for East Devon Law to keep the above information on my Client File in accordance with the accompanying Data Protection Privacy Notice.

Signed:Dated:

Please sign and date this form and then return your completed form to:

Freepost EAST DEVON LAW

☎ 01404 515427

Email: advice@eastdevonlaw.co.uk

Web: www.eastdevonlaw.co.uk

East Devon Law is the trading name of East Devon Law LLP which is a limited liability partnership registered in England and Wales under number OC423017. East Devon Law has offices in East Devon and Oxfordshire. Our registered office is Barton Chambers, The Old Dairy, Cadhay, Ottery St Mary, Devon, EX11 1QT. The term partner is used to refer to a member of the LLP. A list of members of the LLP is available in our offices. East Devon Law LLP is authorised and regulated by the Solicitors Regulation Authority under number 8001300. Accredited staff are members of Solicitors for the Elderly and The Society of Trust and Estate Practitioners.



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