

Advice for the Older Client

Making provision for the future

Many of our clients contact us to plan for their old age or to assist with the needs of elderly relatives. We have a dedicated team specialising in the following areas of legal advice:

- Deputyship Orders
- Lasting Powers of Attorney
- Existing Enduring Powers of Attorney
- Lifetime gifts, Tax planning and Trusts
- Inheritance Tax planning through Wills

What happens if I become mentally incapable of managing my own affairs in the future?

Should you become mentally incapable of managing your affairs in the future, it is possible for someone to apply to the Court of Protection for an order entitling them to take over the management of your affairs. The order is called a "Deputyship Order". There is a strict legal procedure for obtaining a Deputyship Order. However, it is advisable to plan for the future and prepare a Lasting Power of Attorney.

A Lasting Power of Attorney

A Lasting Power of Attorney will enable people nominated by you to take over the management of your affairs, including managing your bank accounts, arranging for the payment of household bills and other expenses on your behalf, and even proceeding with the sale of your property should this be required.

There are two types of Lasting Power of Attorney. These are:-

- **A Lasting Power of Attorney for Property and Affairs** – which will enable your attorneys to have access to your property and finances and manage these on your behalf
- **A Lasting Power of Attorney for Health and Welfare** - which will enable your attorneys to make personal decisions for you regarding where you should live and who should look after you. The Health and Welfare Lasting Power of Attorney also enables you to give your attorneys the power to make decisions regarding life-sustaining treatment and the authority to give or refuse their consent to this on your behalf.

We would be happy to advise you further on making a Lasting Power of Attorney. Should you wish to prepare a Lasting Power of Attorney, or discuss the preparation of a Lasting Power of Attorney, please do not hesitate to contact us.

Enduring Powers of Attorney

Should you already have an existing Enduring Power of Attorney, we will be able to advise you regarding the implementation and continued use of the document and also advise your attorneys on what they need to do should it become necessary for the Enduring Power of Attorney to be registered at the Office of the Public Guardian.

Wilkins Solicitors LLP

Head office: 6 Church Street, Aylesbury, HP20 2QS

Branch office: 19 High Street, Aylesbury, HP20 1SH

www.wilkinssolicitors.co.uk

Telephone: 01296 424681

Fax: 01296 426213

mail@wilkinssolicitors.co.uk

Life Time gifts, Tax Planning and Trusts

For the majority of our clients it is possible for them to take action during their lifetime to minimise the potential payment of tax arising on their death. This action may be making lifetime gifts to their children and family, re-arranging their investments to be more tax efficient, or setting up a Trust Fund. Each of our clients has different needs and our specialised team will be able to offer individual advice on the most appropriate action to take.

If you would prefer not to dispose of any assets during your lifetime, our specialist team would be able to advise you on Inheritance Tax Planning through your Will.

Planning for future Residential and Nursing Care

Should it become necessary for you or an elderly relative to move into a Residential or Nursing Care Home then we will be able to advise you on the current assessment process regarding the payment of your care and also advise you on any action that you may take in order to minimise the cost to you.

Should you wish to discuss any of the above matters with us, please contact:

Miss Sarah Hemmings
Wilkins Solicitors
19 High Street
Aylesbury
Buckinghamshire
HP20 1SH

Telephone: 01296 737 545

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