

## Your Legal Questions

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**Q.** I have been appointed as attorney for my mother. My mother signed a Lasting Power of Attorney (LPA) last year and it has been registered with the Office of the Public Guardian. My mother is now old and frail and still mentally capable but wishes for me to take full control of her finances. What do I do now?

**A.** As the LPA is already registered you should be able to assist your Mother with her affairs immediately. It does not matter that your mother is still capable unless she imposed a restriction in the LPA to the contrary. If there is any restriction or condition that may prevent you acting whilst your Mother still has capacity you ought to seek specific advice on its terms and if appropriate explore any alternative solutions which may exist.

Assuming that you can act, you must follow the guidance and principles of the Mental Capacity Act 2005. You can only act in your Mother's best interests and must always encourage her to make her own decisions. You must consult with your Mother as much as possible and should take into account all relevant circumstances and if appropriate you should consult with other members of the family who have an interest in your Mother's welfare.

On a practical note you must provide all financial institutions (this will include banks and building societies) with whom your Mother has dealings, with a copy of the LPA. They may accept a solicitors certified copy or they may require site of the original document. You will also need to notify the DWP and any pensions companies with whom your Mother has a pension.

You are also under a duty to keep records and accounts in relation to all actions that you take on your Mother's behalf. This is very important as the Office of the Public Guardian can demand that you produce them at any time.

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