

KEY FEATURES AND BENEFITS 29

Business Lasting Power of Attorney (BLPA)

WHAT IS A BLPA?

A BLPA is a powerful legal document which allows a Business Owner (Donor) to appoint persons of their own choice (Attorneys), to look after their business affairs. It can be used if they no longer wish to make these decisions, or lack the capacity to manage their business affairs themselves.

WHY DO I NEED A BLPA?

The main objective of any Sole Trader, Partner or Company Director is to ensure the efficient running of their business. With daily decisions to be made, staff to pay and suppliers to meet, it is imperative that somebody is able to fulfil their duties if they should be taken ill or become mentally incapable.

If they can't continue to run their business, either through being physically or mentally incapable, (or by simply being out of the country for long periods of time) it is important that somebody has the authority to act on their behalf in relation to their business interests.

THE SCENARIO



! Salaries

Bank accounts may not be accessible. Salaries and bonuses could therefore go unpaid; this may cause undue hardship for the employees and their families.



! Suppliers

With a signatory unable to sign on the business bank accounts, suppliers may not be paid and cash withdrawn. Mr Smith's suppliers are left without payment and therefore refuse to send further products.



! Contracts

Without Mr Smith's signature, the business could be prevented from entering new contracts, paying invoices, buying stock and authorising sales.



! Banks

Most banks place limitations on accounts when they become aware that an account holder has lost capacity. Mr Smith's bank could decide to call in any business loans as they are concerned that the business will now be unable to honour its obligations.



! HMRC

Without Mr Smith's signature, the business may not be able to pay its creditors as above, this could include HMRC.

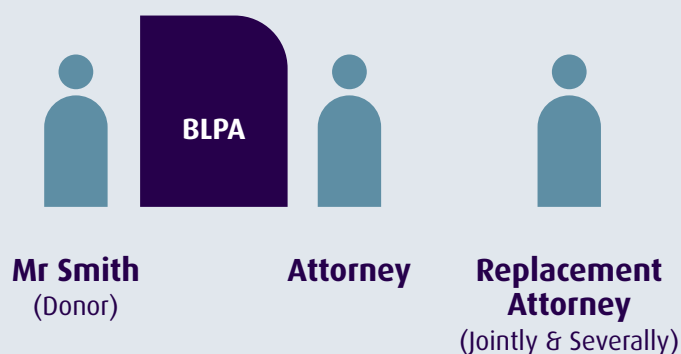
THE DECISION: WON'T MY BUSINESS PARTNER/FAMILY MEMBER(S) BE ABLE TO JUST RUN THINGS FOR ME?

You may think that your family, friends, or business partners can help run the company if anything should happen to you. Unfortunately this may not be the case. Without an LPA it would be for the Court of Protection to decide who is best placed to make decisions on your behalf. This process can take months and be very costly, in the meantime your business may struggle to survive.

It will be the Court of Protection who decides who the best person to deal with your affairs is. What happens if that person is not business minded, or doesn't work well with the remaining business partners? Would you, or your business partner, want the business being run by a stranger?

Business owners may also wish to consider separate Business Powers of Attorney, as this would give the ability to appoint different attorneys to deal with the business assets than the personal assets on their personal LPAs (dependent on articles of association/partnership agreement).

OUR SOLUTION



ATTORNEY(S):

- ✓ **Salaries**
Can authorise payments from the business account.
- ✓ **Suppliers**
Can access funds to pay existing contracts.
- ✓ **Contracts**
Can enter into new contracts to ensure fresh stock is available.
- ✓ **Banks**
Can access the funds.

A Business Lasting Power of Attorney is a simple, cost effective legal document that allows you to choose the best person to run your business.

A Business Lasting Power of Attorney only comes into force when it is needed. It should be safely stored away and registered in the event of a critical illness or accident. It can even be used in the event of a lesser injury which temporarily prevents someone from dealing with their business affairs.

THE NEXT STEP

Having to face the prospect of being unable to deal with your own business affairs can be daunting for us all. So many people avoid this, but failing to act **NOW** and plan for this eventuality can lead to your business suffering unduly.

HOW CAN WE HELP?

We understand that the process of dealing with the business affairs of someone who has lost capacity can be very difficult. Our dedicated team of professionals have vast experience in dealing with both the Office of the Public Guardian and the Court of Protection and provide both a professional yet personal service throughout, while still offering our clients extremely competitive rates.

To manage your personal and business affairs separately you will need two LPAs. For more information please see the Key Features and Benefits Sheet 11 - Solutions.

This sheet contains only general planning and is not to be construed as advice for any personal planning. Each strategy recommended is based on individual circumstances.