

## UK Elder law update - Spring 2012

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**CATEGORY:**

ARTICLE

### New Public Guardian

The Public Guardian, Martin John, is leaving the Office of the Public Guardian (OPG) to become the Head of Civil, Family and Tribunals with the HM Courts and Tribunal Service in London. Martin will be greatly missed; during his tenure he has overseen the OPG's move to Birmingham and the introduction of the new Lasting Power of Attorney forms. Martin's replacement will be Alan Eccles, currently the HMCTS Delivery Director for London, who is a barrister with extensive experience of working within the Court Service.

### Budget 2012 Tax Relief and Personal Independence Payment (PIP)

It was announced in the Budget that the Government will publish draft legislation in Autumn 2012 setting out how tax reliefs currently available to Disability Living Allowance (DLA) claimants will apply to claimants of PIP (which will replace DLA from 2013 / 2014). A consultation was issued on 26 March 2012 with a response date of 13 June 2012. [www.dwp.gov.uk/docs/pip-detailed-design-consultation.pdf](http://www.dwp.gov.uk/docs/pip-detailed-design-consultation.pdf). A further consultation will be issued over the summer in relation to trusts for vulnerable and disabled people and how they are best defined which will be of interest to practitioners in this complex area.

### Lasting Powers of Attorney – don't delay!

Lasting Powers of Attorney (LPA) are divided into three parts; part A signed by the maker of the LPA, part B signed by the certificate provider and part C signed by the appointed attorneys. An LPA cannot be used until it is registered with the OPG but registration can be refused if there has been a 'significant delay' between the execution of some or all of the three parts. The OPG's interpretation of the regulations which apply to LPAs is that a gap of more than 12 months is significant and therefore not acceptable. In this situation there would be no option but to start again with a new LPA – plus the registration fee of £130.

### In Safe Hands 4 – Withers Annual Elder Law Seminar – 14 June 2012

Please save the date for In Safe Hands which will be held at 16 Old Bailey in conjunction with St Christopher's Hospice. The theme this year will be Dementia; Aspects of Law and Medicine and we anticipate an interesting afternoon with a diverse panel of speakers. The details will appear on our events section soon.

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