

POWERS OF ATTORNEY

A Power of Attorney gives authority for someone to deal with matters on your behalf.

A Power of Attorney is a document by which one person (the Donor) gives another person or persons, known as the Attorney or Attorneys, power to deal with matters on their behalf.

The power can be limited to, for instance, the selling of a house, or can extend to dealing with all of the financial affairs of the Donor.

JOINTLY AND SEVERALLY

It is possible to appoint just one Attorney, or more than one. If more than one is appointed, they can act together (i.e. all must sign documents) or jointly and severally (i.e. all or any can sign documents). We can give advice on the best option to choose.

WHEN ARE POWERS OF ATTORNEY USED

They can be used for specific matters when the Donor knows that they will not be available to sign important documents, for example if a person is abroad when their house is being sold. More often they are now used as a precautionary measure to ensure that the Donor has someone they trust to look after their affairs if they reach the stage where, due to mental or physical incapacity, they need help.

ORDERS FROM THE COURT OF PROTECTION

Powers of Attorney are important because, contrary to belief, no one has an automatic legal authority to deal with financial matters on behalf of another adult, not even their spouse or next of kin.

If a person becomes incapable of dealing with matters themselves and there is no Power of



Attorney in existence, it is necessary to obtain an order from the Court of Protection. This is much more troublesome, time consuming and expensive.

LASTING POWERS OF ATTORNEY (LPA)

We believe that most clients (whatever their age) should have a Lasting Power of Attorney for property and affairs which can come into effect if they are ever unable to manage their own financial matters.

The inability could be due to physical or mental incapacity, either temporary or lasting.

LPAs are often thought of in terms of helping the elderly but they can be just as important for a younger person who perhaps suffers a serious injury.

Clients can also enter into a personal welfare Lasting Power of Attorney where they can appoint an Attorney or Attorneys to take important

medical and other welfare decisions on their behalf.

The documents creating both types of Lasting Power of Attorney need to be drafted carefully to ensure that they are valid and contain all the necessary safeguards. Legal assistance in drafting the LPA is therefore very important.

OFFICE OF THE PUBLIC GUARDIAN

In order to activate a Lasting Power of Attorney it must be registered with the Office of The Public Guardian and we can assist with this step.

We can also assist with registering existing Powers of Attorney with the Court.

ENDURING POWERS OF ATTORNEY

Since October 2007 you cannot make an Enduring Power of Attorney. However, for clients who made one before that date we can advise how they should be used and when to register with the Office of The Public Guardian.