

ENDURING POWERS OF ATTORNEY

There is always a risk of becoming incapacitated, physically or mentally, whether by reason of illness, accident or old age.

An Enduring Power of Attorney is a document which enables someone whilst still mentally capable to appoint an Attorney to either (a) take over their affairs at once and to continue to act as their Attorney and representative when they become mentally incapable or (b) to act as Attorney only when they are no longer capable of acting for themselves.

'Ordinary' powers of attorney are automatically revoked if the person who signed them loses mental capacity. 'Enduring' powers of attorney, by contrast, may 'endure' beyond incapacity, and so remain valid and available for use just when they're needed.

An Enduring Power of Attorney is prepared by using a prescribed form, which we can quickly prepare for you.

SCOPE OF AUTHORITY

You can either give your Attorney general authority to act on your behalf or you may wish to place limitations or restrictions on the extent of authority. The choice is yours.

CHOICE OF ATTORNEY

You can choose whoever you like to act as your Attorney although often it is best to appoint more than one person, usually a relative, friend or perhaps your Solicitor. By appointing more than one person you can help to ensure that the Attorney's powers will not be abused.

ATTORNEY'S DUTIES

An Attorney has a number of responsibilities, but the main one is to act on your behalf and in your best interests.

NO DELAY

If capacity is lost and there is no Power of Attorney, then usually an application for an attorney to be appointed has to be made to the Court of Protection in London. This is an expensive and time-consuming procedure. By having an Enduring Power of Attorney you can avoid this delay and save considerably on legal costs.

REGISTRATION PROCEDURE

In the event of someone becoming mentally incapacitated then an already-existing Enduring Power of Attorney must be registered with the Court of Protection. This is a relatively simple and straightforward procedure involving issuing notices to relatives so that they have the chance to object to particular individuals taking over control of their relative's affairs. Once the relevant notice period has expired, the power is registered. This registration gives your Attorney power to deal with matters from then onwards.

LOW COSTS

The costs of making a Power of Attorney are relatively small. The normal charge is £75 exclusive of VAT.