

# Powers of attorney

A Power of Attorney is a document by which one person (the principal) 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 principal.

## **Together or Independently**

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 together and independently (i.e. all or any can sign documents). We can give advice on the best option to choose.

## **Order from the Court of Protection**

Powers of Attorney are important because contrary to belief, no one has automatic legal authority to deal with financial matters on behalf of another person, not even the 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 which is extremely troublesome, time consuming and expensive.

## **Lasting Powers of Attorney (LPA)**

We believe all clients should have a Lasting Power of Attorney for property and affairs which could come into effect at a time when you are unable to manage your financial matters. The inability could be due to physical or mental incapacity either temporary or lasting. You can also enter into a Personal Welfare Lasting Power of Attorney where you can appoint an Attorney or Attorneys to take important medical decisions on your behalf.

The documents creating both types of Lasting Powers of Attorney need to be drawn up and completed strictly in accordance with a prescribed form in order to avoid it being deemed invalid. Legal assistance in drafting the LPA is therefore essential.



**“A Power of Attorney gives authority for someone to deal with matters on your behalf”**

## **Public Guardianship Office**

In order to activate either Lasting Powers of Attorney Property and Affairs or Lasting Powers of Attorney Personal Welfare it must be registered with the Court of Protection and we can assist with this step. We can also assist with registering existing Enduring Powers of Attorney with the court.



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