

Alison Fielden & Co.

Solicitors & Notary Public

LASTING POWERS OF ATTORNEY

There may come a time when you are incapable of managing your affairs, whether as a result of physical and/or mental incapacity or because you are facing an extended spell in hospital.

A power of attorney is a legal document which allows one or more individuals of your choice (your Attorney(s)) to deal with your affairs on your behalf. According to your instructions, this can be in relation to your property and finances or your health and welfare. A Lasting Power of Attorney can be used if, and when, you cannot manage your affairs yourself. We recommend that everyone should consider whether a Power of Attorney would be beneficial in their own circumstances, as one never knows when incapacity as a result of illness or accident may occur.

Your Attorney should be someone whom you trust implicitly, as you are giving them control over your affairs. You may consider your spouse and/or children, a close friend or relative to act as Attorney for you. If more than one Attorney is appointed, they may act jointly, or jointly and severally. We generally recommend the latter as it allows more flexibility, particularly if your Attorneys live in different parts of the country. In the unfortunate circumstance that one of your Attorneys should predecease you, the joint and several option means that the Power does not then become invalid by reason of an Attorney's death.

Before it can be used, the Lasting Power of Attorney needs to be registered with the Office of the Public Guardian. We recommend that registration takes place immediately the Power has been signed so that the Lasting Power of Attorney can be used as soon as it is needed. We should point out that there are often delays in the registration process with the Office of the Public Guardian.

The Lasting Power of Attorney must be signed by you and your Attorney and also by a suitable person as certificate provider, such as your solicitor, who will certify that you have not been unduly pressured into making the Power. Prior to registration, it will be necessary to notify up to five individuals, such as a close friend/s, of the registration process.

When there is no Power of Attorney in existence and the capacity to make a financial decision is lost, due to infirmity or mental incapacity, an application needs to be made to the Court of Protection to appoint a Deputy who would act on your behalf. This can be time-consuming, costly and stressful for family members. Making a Power of Attorney now to ensure that your affairs can be dealt with quickly, should you be unfortunate enough to lose the ability to handle your affairs yourself, is a good move.

Please contact the Wills & Probate Department at Alison Fielden & Co to discuss the possible options available to you.

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Monday – Friday 8.30am-5pm **Saturdays** 8.30am-12.30pm