

What is a Power of Attorney?

A Power of Attorney is a written document giving someone else authority to take actions or make decisions on your behalf. It is up to you to decide who you wish to be your Attorney and to decide what powers the Attorney should have in dealing with your affairs.

Nobody likes to think that they may not be able to look after themselves, but accidents or illness can happen to anyone.

In these circumstances if your capacity is impaired the Attorney appointed by yourself can take steps to deal with matters on your behalf.

The alternative is that family or friends may have to petition the court to obtain authority to act on your behalf and this can be an expensive and time consuming exercise.

A Power of Attorney can be signed by you and kept in safe keeping by us until such time as it may be required. Hopefully in the vast majority of circumstances and situations a Power of Attorney will not require to be brought into force, but it is prudent and sensible to sign one to provide for unforeseen contingencies.

The Power of Attorney will contain such powers as you may grant to your Attorney and depending upon your wishes, will not just be confined to looking after money and property issues, but it can also provide for your Attorney to decide personal welfare issues for you.

A Power of Attorney requires to be completed in accordance with certain legal formalities to allow it to continue in force should you become incapacitated.

Our Private Client Department can prepare the appropriate Power of Attorney in accordance with your instructions. We often recommend that Powers of Attorney are signed at the same time as Wills are prepared.

Prior to signing of the Power of Attorney, a Certificate on the Power of Attorney requires to be signed by a practising lawyer or doctor certifying that you are capable of understanding the Power of Attorney.

The person appointed your Attorney can either be a family member, a friend, a solicitor, an accountant or a combination of all of these.

Storing your Power of Attorney

If you leave your Power of Attorney with us for safe keeping, we shall store your Power of Attorney free of charge.

Registration

If it is ever required then we can arrange for it to be registered with the Office of the Public Guardian so that your family can arrange for your affairs to be dealt with in the appropriate manner. The Office of the Public Guardian supervises the implementation and administration of Powers of Attorney in Scotland. A Power of Attorney cannot be enforced until it is registered with the Office of the Public Guardian.

For further information please contact Robert Forman on 0131 222 8111 or email him at rforman@mckaynorwell.co.uk

Other services

For information on other services visit our website at www.mckaynorwell.co.uk. We also provide advice on tax and estate planning, the administration of estates, trusts, Wills and Guardianship.

While the information given in this newsletter is given in good faith and is believed to be accurate as at the date of publication, it is given for guidance only and should not be relied upon. Specialist legal advice should always be sought in light of your own particular circumstances.

McKay Norwell WS

Private Client Services

POWERS OF ATTORNEY

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