

INFORMATION SHEET

Powers of Attorney

What is a Power of Attorney?

A Power of Attorney is a relatively straight-forward legal document laying out who you would want to act on your behalf if you are unable to deal with your own affairs. Who you chose and trust is up to you – you can name a partner, spouse, civil partner, family member, friend, child, professional...or a combination. There are two types of Power of Attorney...

Continuing Power of Attorney (CPA):

With your permission, this gives the attorney the power to help you make decisions or make decisions on your behalf regarding your financial and property affairs. This particular power can be utilised while you still have capacity i.e. living/working abroad, housebound, hospitalised after an accident etc

It allows the person(s) chosen to deal with things like bank accounts, paying bills, tax returns, insurances, investments, collecting benefits or a pension, gifting, property related issues (down to buying property) and many more.

Welfare Power of Attorney (WPA):

Unlike a continuing Power of Attorney, these powers only take effect if you cannot make decisions about your welfare yourself... however, you must appoint your WPA

while you have capacity and understanding. These powers allow authority over decisions around both your health and personal welfare, for example what medical treatment you should or shouldn't receive, where you are cared for or live, down to what you eat and how you should be dressed.

If it is too late and the person does not understand what they are doing a Guardianship or Intervention Order may be required, which would involve raising court proceedings.



Benefits of appointing a CPA & WPA:

- Allows you to choose individuals who you trust to make decisions or act for you, rather than the court deciding.
- Gives you the option to nominate who you know is best placed to understand your wishes and upkeep your values.
- It is a relatively straight-forward and cost-effective document to prepare.
- Making one avoids the need to go to court which can often be a lengthy and expensive process not to mention, stressful experience.
- If you are hospitalised or are out of the country, you have peace of mind that someone can act on your behalf down to signing important documentation or paying essential bills.
- With regards to a WPA, if you don't have one in place and lose capacity, it's too late

Mini Case Study & Testimonial:

I listened to Janine every week at my local BNI meeting talking about the safety net of having a Power of Attorney, and I did nothing.

A few weeks passed and my mother was taken to hospital after having a brain haemorrhage and for a short period of time was considered by the doctors to have no capacity to make decisions. I found myself going through mum's paperwork looking for documents such as a will and power of attorney, which I did find.

Thankfully my mother has made a good recovery and is now considered to have full capacity to make decisions for her own wellbeing.

If my mum had not made a Power of Attorney, it would have been impossible to act on her behalf without further legal work being done which would have meant a delay and further expense.

My husband and I realised just how important a power of attorney can be and we arranged to meet with Janine. Everything went very smoothly and from meeting Janine on the 1st April, her efficient and very welcoming Legal Assistant Karen Jack sent us all the necessary papers and instructions on the 2nd April. The documents were signed by us on the 12th April (our first available time).

"Janine is a Partner in W&AS Bruce, Broxburn and she is efficient in her work and keeps the office running like a well-oiled machine."



"Last year W&AS Bruce carried out conveyancing on 2 properties for me and my husband and I have no hesitation in recommending Janine for your Conveyancing, Wills and Power of Attorney work."

"What did we contract Janine to do? The answer has to be to provide peace of mind and security for us and an easier journey for our family in the event that we are unable to manage our own affairs. We sleep better having eventually listened and used the services on offer."

"Thank you for arranging our Powers of Attorney (both financial and welfare) Janine."

Renee & Bruce Elliott

Our Advice...

We would advise that anyone over the age of 50 should have a Power of Attorney. A Power of Attorney is essential if you lose the capacity to make decisions for yourself. But, a Power of Attorney is not just for those in their later years. If you have an accident which results in you becoming incapacitated, a Power of Attorney can allow a loved one, or someone you trust to manage your affairs with minimal inconvenience.

If you become incapacitated through an accident or a decline in physical or mental health and you DON'T have a Power of Attorney, your family will have to apply to the Court to obtain a Guardianship Order. This is very expensive as your family will have to pay for two Doctor's assessments confirming that you are unable to make decisions for yourself. They will also have to pay for legal expenses and Court fees. There is also the aspect of the time it takes to obtain a Guardianship Order. In some cases, it can take many months which makes it an arduous process for the family especially at such a difficult time.

Get in touch with us to find your nearest local office and to book your free no-obligation 30 minute meeting today...

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