

How we can help

To provide a Power of Attorney is a relatively straightforward task. However, the rules and formalities which need to be complied with can be daunting and a mistake can have wide reaching consequences, which is why you should seek professional help.

We are regularly involved in the preparation of Enduring Powers of Attorney for clients, appointing family members to act as Attorneys to assist with the financial affairs and property of loved ones who are having difficulty managing their own affairs.

We can guide you through the procedures, prepare the necessary documentation and advise you on other aspects of your affairs so that you make the best possible provision for you and your family in the future. We are even able to act as Attorneys if there is no family member able to take on the burden.

We will be happy to talk to you and provide you with an estimate of our costs without obligation. Please feel free to contact us for further information on 01942 777777.

We believe the information contained within this leaflet to be correct at the time of publication. While all possible care is taken in producing this leaflet, no responsibility for loss can be accepted by the firm, however caused.

About Stephensions

Stephensions provides legal advice for all aspects of your personal or business life. By understanding your circumstances and keeping the red-tape to ourselves, we focus on efficiently delivering what you need, when you need it. Operating from a number of regional locations, we rank among the top 100 UK law firms and are one of the fastest growing practices in the north west. With over 300 staff, you can trust our specialists to take care of things on your behalf, always putting your best interests first. So, for legal advice and action the way you want it, just turn to Stephensions.

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Preparing for the future

If you are reading this, the chances are that you are someone who prepares for the future and takes steps to ensure that your family is looked after. You may be paying into a pension, have an up-to-date will and have arranged life insurance to protect your dependants.

But have you thought about what might happen in the future if, because of your prolonged absence, illness or incapacity, you were unable to manage your own affairs? What effect would this have on your family and loved ones? In such difficult circumstances how would they cope? This leaflet explains the ways you can authorise someone to handle your affairs if this should happen to you.

The legal term for an individual who is legally authorised to act for another individual is 'Attorney'. The document which gives them that authority is a 'Power of Attorney'.

An ordinary Power of Attorney

This is the power given to another person to act on your behalf for a limited period or for a specific purpose. For example, as the owner of a business you may be going abroad on a business trip for several months. In this situation you may need someone to ensure that your business runs smoothly and that important decisions are taken on your behalf.

You can limit the authority of the Attorney to one specific legal duty, for example, signing a particular document. Alternatively, you could allow a range of matters to be covered, enabling business decisions to be taken for you until a specific date. An ordinary Power of Attorney becomes invalid if you become mentally incapable in the future.

An Enduring Power of Attorney

An Enduring Power of Attorney (EPA) gives an individual the legal right to manage someone else's financial affairs or property, either now or in the future. The person giving the authority must be mentally alert and understand the process at the time. However, the power continues to remain in force even if the person becomes mentally incapable of making important legal decisions themselves in the future. This type of power is quite often given at the same time as making a will.

There are two main scenarios where you may get involved with an EPA. You may want to take out an EPA to cover your own circumstances and have a say in your own future. Then should you be involved in an accident or suffer a severe illness and become mentally incapable of looking after yourself, you will know that you have elected someone you trust to look after things for you. In this way, the EPA becomes an important safeguard for your family and/or your business.

Alternatively, you may wish to use an EPA to provide reassurance to an older relative or friend. While they may be perfectly capable of managing their own legal and financial affairs at the moment, ill health or dementia in the future could make this difficult. By making an EPA now, they will be assured that their interests will still remain in safe hands. The important thing is that the EPA needs to be completed and signed while they are still well.

