

## **POWERS OF ATTORNEY**

Powers of Attorney used to be relatively cheap before the Government decided to reform the law with effect from 1<sup>st</sup> October 2007.

Prior to that date an Enduring Power of Attorney ran to around four pages and our charge was as little as £40.00 plus VAT.

The Government was apparently worried about the potential for fraud and decided to set up a new system with a document 25 pages long with exactly the same potential for fraud – except that the average fraudster might become tired trying to fill in the form!

Powers of Attorney are often essential when someone becomes incapable of managing their own affairs. This can happen as a result of Alzheimer's or senile dementia which often come on slowly enough so that the condition can be recognised and a Power of Attorney put in place, but there can be major problems where someone suffers from a stroke or head injuries in an accident.

We recommend that a Power of Attorney should be made in the following circumstances:-

1. Where there are warning signs of Alzheimer's or senile dementia.
2. Where there is a family history of such problems.
3. Where a client is over 70 years of age.
4. Where a client is running his own business.
5. Where one's job involves a lot of driving or has other risky features attached to it.

If there is no power of attorney in place, the only alternative is to make an application to the Court of Protection for the appointment of a Deputy. This is a costly process and usually there is little if any change from £2,000. The process can take anything up to six to nine months and it is necessary to go back to the Court and make further applications whenever some major step is to be taken in connection with the subjects affairs – and each such application can cost perhaps another £1,000. It is necessary to prepare and file accounts on an annual basis. Dealing with matters in this manner can be very expensive indeed.

If there is a Lasting Power of Attorney in existence this is a far more satisfactory alternative. It must be registered with the Court before it comes effective and this is a process which takes around three months. Normally when problems arise it is possible to secure a registration before the position becomes desperate, but in the case of someone running a single handed business, we recommend that any Power of Attorney which they give should be registered immediately so that it is available to allow the business to continue.

The full process of making and registering a Power of Attorney can cost on the order of £550.00 inclusive of the Court fees, but we can offer the much cheaper alternative of preparing a Power of Attorney (in all its 25 page length!) and quite simply tucking this away somewhere safe so that if the need for it should arise, it can then be registered and brought into effect. We can offer this "half way house" service for £125.00 plus VAT, or for a husband and wife together in cases where the basic particulars are the same, £175.00 plus VAT.

Please contact our Mr. Tim Napier if you would like to discuss the matter further either by telephone on 01925 634681 or by email at [rmnapier@anlaw.co.uk](mailto:rmnapier@anlaw.co.uk)

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