
Enduring Power of Attorney

Part A : About using this form

- 1. You may choose one attorney or more than one.** If you choose more than one, you must decide whether they are to be able to act:

- Jointly (that is, they must all act together and cannot act separately) or
- Jointly and severally (that is, they can all act together but they can also act separately if they wish).

On the form, at the place marked 1, show what you have decided by crossing out one of the alternatives.

- 2. If you give your attorney(s) general power in relation to all your property and affairs,** it means that they will be able to deal with your money or property and may be able to sell your house.
- 3. If you don't want your attorney(s) to have such wide powers,** you can include any restrictions you like. For example, you can include a restriction that your attorney(s) must not act on your behalf until they have reason to believe that you are becoming mentally incapable; or a restriction that your attorney(s) may not sell your house. Any restrictions you choose must be written or typed on the form in the place marked 2.
- 4. Unless you put in a restriction preventing it** your attorney(s) will be able to use any of your money or property to benefit themselves or other people by doing what you yourself might be expected to do to provide for their needs. Your attorney(s) will also be able to use your money to make gifts, but only for reasonable amounts in relation to the value of your money and property.
- 5. Your attorney(s) can recover the out-of-pocket expenses** of acting as your attorney(s). If your attorney(s) are professional people, for example solicitors or accountants, they may be able to charge for their professional services as well.
- 6. If your attorney(s) have reason in the future to believe that you have become or are becoming mentally incapable of managing your affairs,** your attorney(s) will have to apply to the Court of Protection for registration of this power.
- 7. Before applying to the Court of Protection for registration of this power,** your attorney(s) must give written notice that that is what they are going to do, to you and your nearest relatives as defined in the Enduring Powers of Attorney Act 1985. You or your relatives will be able to object if you or they disagree with registration.
- 8. This is a simplified explanation of what the Enduring Powers of Attorney Act 1985 and the Rules and Regulations say.** If you need more guidance, you or your advisers will need to look at the Act itself and the Rules and Regulations. The Rules are the Court of Protection (Enduring Powers of Attorney) Rules 1986 (Statutory Instrument 1986 No 127). The Regulations are the Enduring Powers of Attorney (Prescribed Form) Regulations 1987 (Statutory Instrument 1987 No 1612).
- 9. Note to Attorney(s)**
After the power has been registered the attorney(s) should notify the Court of Protection if the donor dies or recovers.

You can cancel this power at any time before it has to be registered

Enduring Powers Of Attorney

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Enduring Powers Of Attorney:

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Enduring Powers Of Attorney Introduction

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