

# POWERS OF ATTORNEY

A Power of Attorney is a document where you appoint someone (your "Attorney") to act for you, to make decisions, look after you and to sign certain documents on your behalf, when you are not able to.

## *Why should I grant a Power of Attorney?*

The most important reason for granting a Continuing or Welfare Power of Attorney is to allow you to nominate someone to look after your affairs in the event that you become incapable of doing so yourself. This could be due to a stroke, dementia or other illness.

You can also grant a Power of Attorney if you are going to be abroad and wish someone else to deal with your affairs in your absence.

## *When should I grant a Power of Attorney*

**As soon as possible!** - Incapacity may come gradually in old age **but it can strike suddenly at any age** through a stroke or other illness or as a result of an accident. If you were to lose your capacity for whatever reason, it would then be too late to grant a Power of Attorney.

## *What would happen if I didn't have a Power of Attorney?*

If you lost your capacity, then no one else has authority to deal with your finances, operate your bank account, or pay bills. Your accounts or other assets could be frozen. This can cause very stressful financial problems.

Unless you had already put a Power of Attorney in place beforehand, it often requires a lengthy, and often very expensive, legal procedure at the Sheriff Court, before the problems can be resolved.

## *What are the advantages of a Power of Attorney?*

You have a great deal of flexibility to decide who to nominate as your Attorney and what powers are to be granted to them. All Attorneys, by law, are under a duty to act prudently and honestly for you. They must account for what they have done if you ask them. They are liable to pay compensation if they have breached their legal duties.

## *How long does a Power of Attorney last?*

A Power of Attorney lasts for the rest of your life, unless you decide to revoke it. We recommend that clients make a Power of Attorney as early as possible. We hope it will never be needed until perhaps much later on in life but meantime you have the peace of mind in knowing that should something happen to you at **any** stage of your life, and you become unable to manage your own affairs, then your nominated Attorney will **automatically** have the legal power to look after you and your affairs.

## *The Public Guardian*

Powers of Attorney are regulated by a government agency known as 'The Public Guardian' who has powers to investigate if your finances or property seem to be at risk, and to investigate any complaints about the conduct of an Attorney. Further details are available on the Public Guardian's website : [www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)