



POWERS OF ATTORNEY



The basic information set out below is not intended to provide all the answers, and should be read in conjunction with the detailed advice provided.

WHAT IS AN ATTORNEY?

An attorney is a name for someone who acts on behalf of another person. You can choose your own attorney. They may be a family member, friend or a professional person. It is preferable, but not essential, that your attorney knows something of your affairs and circumstances.

IS THERE MORE THAN ONE TYPE OF POWER OF ATTORNEY?

There are basically three types:

1 General Power of Attorney

This will allow your attorney(s) to deal with all of your financial affairs for a period up to 12 months. The problem is that if you lose your mental abilities your attorney must stop acting on your behalf.

2 Enduring Power of Attorney

This too allows your attorney to deal with all of your financial affairs. Unlike a General Power of Attorney, your attorney(s) can continue to act on your behalf if you lose your mental capacity. However, it is not possible to create a new Enduring Power of Attorney after 30th September 2007 although Enduring Powers of Attorney created before that date remain valid.

3 Lasting Power of Attorney: Property and Affairs

a) Property & Affairs

This is the Power of Attorney which replaces the old Enduring Power of Attorney and still enables your Attorney(s) to deal with your financial affairs either with your authority or in the event of your becoming mentally incapable once the document has been registered.

b) Health and Welfare

This Power of Attorney allows you to appoint Attorneys to make decisions about your medical treatment and care.

HOW DO I APPOINT AN ATTORNEY?

A Power of Attorney must be in writing. A Lasting Power of Attorney must be in a certain format as is set down in law. We use automated forms to ensure that the correct format is used. You will need to sign the Lasting Power of Attorney Form and so will your attorney(s). In addition you will need a certificate provider to certify that you understand the nature and effect of the document and that you are creating it of your own free will.

WHY WOULD I NEED TO GIVE A LASTING POWER OF ATTORNEY?

There are all sorts of reasons, the most common being if you:

1. Are unwell
2. Become forgetful
3. Find dealing with your finances too cumbersome
4. Do not trust your next of kin and would like someone else to be in control of your finances.

We will be glad to help at every stage of the process. Please feel free to contact either Alan Dobbins, Dawn Parkes or Caroline Billings for a free initial discussion over the telephone, entirely without obligation. They will be delighted to hear from you.

WILLS, PROBATE & TAX

It is all-too-tempting to put off, making a will but it is undoubtedly one of the most important duties you will ever perform. It enables you to make provision for your family, appoint executors to carry out the terms of your will, and to provide for specific wishes, including gifts to friends, relatives and charities.

By not making a will your estate will ultimately be distributed as the law provides, rather than in the way you would have chosen. Our assistance will ensure that matters are kept as simple as possible, that all formalities are complied with, and that the terms of your will are practical and straightforward to administer.

Making a will is also an opportunity to ensure that your affairs are arranged in the most tax-efficient way. Rising house prices have ensured that many individuals of otherwise relatively modest means now find their estates subject to inheritance tax – currently imposed at a rate of 40 per cent on anything above the basic threshold. It is often possible to take simple steps to avoid unnecessary exposure to inheritance tax.

Sadly, when someone dies there are many matters for those left behind to deal with. You may well find that the easiest means of sorting out the deceased's affairs is to place them in our hands, so saving you time and effort, and minimising distress.



Alan Dobbins

Joint Head of Private Client and Commercial Property Department with a particular interest in commercial property and high-profile conveyancing, tax and trust.

Dawn Parkes

Partner at Hatch Brenner since 1991, and head of the probate department. Handles all aspects of wills, probate, trusts and tax planning. Previously specialised for many years in matrimonial matters. Dawn was educated at King Edward VI Grammar School, in Lincolnshire, and studied Law at the University of East Anglia. She holds the Society for Trust and Estate Practitioners' certificate. Leisure interests include reading, badminton, food, and holiday travel. Contact Tel: 01603 674516



Caroline Billings

Joined Hatch Brenner's private client department in 2009, and specialises in wills, probate, trusts, tax - planning, enduring and lasting powers of attorney, and Court of Protection matters. She studied at the College of Law, York, and subsequently qualified as a solicitor in 2004 after completing her training contract in Bury St Edmunds and Ipswich. Caroline is a member of the Society of Trust and Estate Practitioners (STEP). She arrived at Hatch Brenner from a Suffolk-based firm, and has spent all of her working life in East Anglia. Caroline is a qualified glider pilot, and in addition to flying she enjoys many other sports including squash, netball and snowboarding.

► Solicitors

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