



**Under embargo until 00.01 on Thursday, 30 September 2021**

## **Power of Attorney Day 2021**

### **Top 10 Facts and Mythbusters**

- Power of Attorney isn't just for older or unwell people. Anyone can be affected at any stage of life to find themselves suddenly incapacitated by an unforeseen illness, accident or other debilitating event
- Power of Attorney can be granted to anyone over 16 years that you trust and who is willing to take on this responsibility – eg. a partner, spouse, sibling, child, friend or colleague
  - The term 'Attorney' applies to your named trusted person/s, not to any solicitor or legal representative. You can appoint more than one 'Attorney' to act on your behalf
- Without a Power of Attorney in place, your family, friends or partner have no legal rights to direct your welfare, or step in to oversee your financial or welfare affairs
- There are two types of Power of Attorney – one that grants 'Welfare powers' such as issues related to your health, and one for 'Financial powers' to manage your money and pay bills. You can choose to grant either power, or both, to your trusted 'Attorney/s'
- Though lawyers are often involved, some regional carers' support groups have volunteers to help prepare your Power of Attorney
- The Scottish Legal Aid Board can advise whether financial assistance can be made available to people on modest or low incomes who'd prefer to have a solicitor that offers Legal Aid services draw up their Power of Attorney
- Having a will in place does not authorise the executors named in your will to act on your behalf should you become incapacitated for any reason, and unable to make decisions regarding your personal welfare or finances
- Power of Attorney is a 'Living Document' – i.e. it applies during the lifetime of the person authorising its creation. Should that person pass away, all authorisations granted to their Attorney/s come to an end. Power of Attorney does not carry on, after their lifetime, to serve in the place of a will

/cont .....

## **Top 10 Facts and Mythbusters (cont.)**

- Solicitors and medical professionals are empowered to sign and legally authorise Power of Attorney documents, and will likely charge a fee for this service
- All Powers of Attorney must be registered with the Office of the Legal Guardian (Scotland), for which a fee of £81 applies, however those on low or modest incomes or receiving certain types of benefit may be exempt from paying this charge

- ends -

30 September, 2021

For further information, contact Pamela Bailey, PR Continuum

M: 07771 206307, e: [pamela.bailey@prcontinuum.com](mailto:pamela.bailey@prcontinuum.com)