

# Ken MacDonald & Co

## Lawyers and Estate Agents

### Powers of Attorney

As we get older, mental health and capacity issues become a concern. The effect of progressive conditions like Alzheimer's and other forms of dementia, as well as the sudden onset of a condition like a stroke can leave sufferers unable to make decisions for themselves.

The Adults with Incapacity (Scotland) Act 2000 was one of the earliest pieces of legislation to be passed by the Scottish Parliament. It introduced a system for safeguarding the welfare and managing the finances and property of adults who lack the capacity to act or make decisions for themselves. It allows other people to make decisions on behalf of these adults, subject to safeguards.

One of the primary means by which the act enables powers to be acquired is by the granting of a power of attorney. This is a written document granted by you, the adult, prior to your loss of capacity whereby you give someone else authority to take actions or make decisions on your behalf. In granting a power of attorney you choose the person or persons you wish to help you and you decide what powers they should have.

In the event that you ever do lose capacity with no such power of attorney being in place then your next of kin may have to go to court to obtain authority to act on your behalf, as under the Act, no one now has the automatic right to take actions or make decisions on your behalf without legal authority.

We at Ken MacDonald and Co believe that everyone should consider preparing a power of attorney. It should not be left to the last minute when the threat of incapacity becomes an issue, as often then it is too late.

To provide this service we have developed a package aimed at making the process as simple as possible. We offer a free no obligation first consultation and charge a fair and reasonable fee on a private client basis when instructed to proceed.

Should you or a member of your family be interested in our service then please contact our Mr MacPherson who shall be happy to assist.

*Looking out for your tomorrow...*

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