

71) POWER OF ATTORNEY - The latest in a series of articles by Iain Gregory of Caithness CAB

The other week I was happily recounting a story to Liz which concerned a downhill race my friend Dave and I had on off-road bikes from 7000' in the alps, reassuring her that we had only crashed once. I also mentioned a recent trip to the Cairngorms where John, Don, Dave and I encountered a problem due to a river inconveniently being in spate and the old bridge having been swept away, although I emphasised that we had thought better (just) of trying to cross it. Additionally I announced I had decided to buy myself a new mountain bike which I promised I would ride with my usual caution. She looked over her newspaper and inquired, purely coincidentally, if my Will was up to date, and said she understood that it was useful for people to have a Power of Attorney in place in case they became incapable of handling their own affairs. I found myself at my solicitor's office shortly afterwards.

Actually we do have wills in place, but it was time to get a POA each. It is surprising just how many people do not have either and, whilst none of us like to think about these things, it makes life for your family and friends considerable easier if you have made arrangements to ensure that your wishes will be carried out and that they have the authority to make sure of it.

Starting with wills, many people think that they don't need one or that "everything will go where I want anyway", but sadly that is not always the case. In Scotland there are rules about what happens to your "estate" if you die intestate (without a will) and those rules may well not reflect your wishes. For example, couples who have not married or formed a civil partnership cannot automatically inherit from each other unless there is a will. So the death of one partner may create serious financial problems for the remaining partner if her/his affairs have not been adequately sorted out. This is particularly likely where relatives may be unaware of, or unsympathetic to, the remaining partner. And that is just one scenario. At CCAB we always advise you to get a solicitor to draw up your will because that way there is no doubt that it is legal and waterproof. Once done, you can then go "skiing" (spending the kid's inheritance) and get on with life.

A POA is extremely important. Imagine that I became even more confused than usual and could no longer make rational decisions. Because there is a POA in place then my family can make all these decisions for me and act in my best interests. Without one then an application would have to be made to court to arrange for appropriate powers to deal with my financial, property and welfare concerns. And if I had been confined to care then it could get very tricky indeed because it might well be that there would be issues over whether my family would get the powers at all. And I can categorically state that there is only one person who would ever take care of Liz's needs – me - and now we have POA's anyone else can back off. Neither a will or a POA is expensive so please think about it.

And now with all that sorted out it is time for a bike ride – as fast as possible