

7TH EDITION

Powers of Attorney

Trevor Aldridge



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Powers of Attorney

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MA (Cantab) Solicitor

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Preface to seventh edition

A new prescribed form of enduring power of attorney, introduced on 1 November 1987 and the only one available from 1 July 1988, has made a new edition of this book essential. As an enduring power is only valid if it is granted on the prescribed form, anyone drafting such powers must have access to the new form. This edition therefore deals with the changes in the new form and the amended execution requirements. The precedents for enduring powers all adopt the new form.

At the same time, powers in the old form, granted during the period for which the first prescribed form regulations applied, remain valid and may be encountered for many years to come. So I have had to retain the information needed to assess the validity of those powers.

This new edition has also provided the chance to strengthen one of the traditional features of this book, the wealth of precedents which it provides. I have taken the opportunity to modernise the wording both of the documents set out in full and of the clauses for insertion into powers of attorney. The object is to make them more readily understandable and acceptable to users, without sacrificing any of their legal effectiveness. At the same time, a few more precedents have been added.

Finally, more statutes and statutory instruments have been reprinted for readers' convenience. For ease of reference there is now a separate appendix for the Acts of Parliament and for the rules and regulations.

The whole of the text has been revised to take account of changes since the last edition. I have sought to state the law as it applied on 1 March 1988.

Trevor M Aldridge

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Abbreviations

In this book, the following abbreviations are used for the Acts and statutory instruments most commonly referred to:

‘1971 Act’: Powers of Attorney 1971.

‘1985 Act’: Enduring Powers of Attorney Act 1985.

‘Court Rules’: The Court of Protection (Enduring Powers) of Attorney) Rules 1986, SI No 127.

‘Prescribed Form Regulations’: The Enduring Powers of Attorney (Prescribed Form) Regulations 1987, SI No 1612.

The 1985 Act followed the recommendations of the Law Commission in its report *The Incapacitated Principal* (Law Com No 122, Cmd 8977). This is referred to as ‘the Law Commission report’.

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