**Enduring Power of Attorney Form**

A Power of Attorney enables you to choose a person (or persons) to deal with your property and affairs. An Enduring Power of Attorney means that your nominated person (or persons) will be able to continue to deal with your property and affairs even after you are no longer capable mentally of dealing with them yourself. Given the importance of the Form, it is strongly recommended that you obtain legal advice on the legal requirements and the consequences of signing such. An Enduring Power of Attorney does not cover health and welfare matters.

To be lawful, the Enduring Power of Attorney must be in the exact Form enclosed which is prescribed by the Enduring Power of Attorney Regulations (NI) 1989. The Form must be executed (i.e. made and signed by the maker as well as the witnesses) in the correct way otherwise it may not be valid or it may not operate in the way that you wish. Your solicitor will be able to advise you on how this is to be done to ensure it is enforceable and it achieves what you wish.

It is possible to restrict the ability of your attorney (or attorneys) to deal with particular assets. You are strongly recommended to take legal advice from your solicitor about whether or not to restrict your attorney and, if you wish to restrict, how that should be expressed.

If you are appointing more than one attorney you will need to decide whether those attorneys must act **jointly** at all times or whether they can act **jointly and severally**. There are legal consequences and implications of appointing jointly or appointing jointly and severally and again you are strongly recommended to take legal advice about these consequences and implications.

The Law Society therefore recommend that you take this Form to your solicitor to obtain advice on how to complete the Form, have all the signatures validly made and the legal implications of it explained. Your solicitor will be able to keep the original executed Form safe for you so that it is available when required. Having advice from and being retained by your solicitor will also mean that it is less likely that the Form will be challengeable by any person when it is produced to the Office of Care and Protection for registration. That registration process has legal requirements which you must observe and your solicitor will be able to advise you on these.

Provision of this Form is on the strict understanding that the Law Society does not provide legal advice directly to the public. The Law Society accepts no liability whatsoever and howsoever caused to any person in relation to taking a certain course of action or not taking a certain course of action in relation to this issue or that may arise from the use of the Form and provides no advice or assistance in relation to same.