

# General Power of Attorney

Information sheet for use in England & Wales only

A General Power of Attorney is also known as an Ordinary Power of Attorney and is for situations where you need to give someone power to deal with your assets and finances. This might be because you are out of the country or away from home.

**Be very careful with the use of this document which allows somebody to act in your name in respect of anything you own.**

1. A General Power gives the attorney the right to do almost anything and everything that you can do in law, but a LIMITED Power gives the attorney the right to act for you in law but ONLY in respect of certain things. More than one person can be appointed to act and they can act independently of each other (joint and several) or both together (joint).

2. A General Power of Attorney is not valid or appropriate in respect of any jointly owned property. Other than provisions under S.1 of the Trustee Delegation Act 1999, it does not apply to functions as trustee or personal representative or as tenant for life under the Settled Land Act 1925.

When you no longer want your General Power of Attorney to be in force, you can revoke the General Power of Attorney.

3. **A General Power of Attorney CANNOT be used where you are incapable or become incapable** due to illness, accident or the onset of dementia. You may wish to execute a *Lasting Power of Attorney* before these circumstances arise. **If the donor loses capacity, the General Power of Attorney will automatically come to an end.**

4. There are legal restrictions on what an Attorney can do. He/she must not use his power for his/her own benefit, unless the donor might have been expected to provide for him/her. He/she must not make gifts except of reasonable value at 'seasonal times' such as Christmas, Birthdays etc.

## GENERAL POWER OF ATTORNEY WORDING

Schedule 1 of the Power of Attorney Act 1971 provides a 'form of General Power of Attorney for purposes of Section 10'.

This General Power of Attorney is made this      day  
of            19

by AB of

I appoint CD of      [or CD of      and EF of      jointly  
or jointly and severally]

to be my attorney[s] in accordance with section 10 of  
the Powers of Attorney Act 1971.

In Witness etc.,

Gwneir y PER ATWRNAI CYFFREDINOL hwn ar y  
dydd o      20

gan AB o

Rwyf yn penodi CD o [neu CD o      a EF o      ar y cyd  
neu ar y cyd ac yn unigol]

i fod yn atwrnai (atwrneiod) ar fy rhan yn unol ag  
adran 10 Deddf Perau Atwrnai 1971.

TYSTIWYD GAN

A person is no longer required to register a General Power of Attorney.

To prove that a person has been given a Power of Attorney, they will either produce the original or else a certified copy of the original. If the copy consists of more than one page, write on each page of the copy the words 'This is a true and complete copy of the corresponding page of the original'. If the copy consists of one page, write on the page the words 'This is a true and complete copy of the original'. The donor should sign the certificate, but if they are not available for any reason, a solicitor or stockbroker can sign the certificate.

This information sheet should not be regarded as advice or recommendation.

**IMPORTANT! - take independent advice BEFORE signing any Power of Attorney**