

# ENDURING POWERS OF ATTORNEY

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Until October 2007, an Enduring Power of Attorney could be created by a person (the Donor) whereby he or she could appoint an Attorney(s) to make financial decisions on his or her behalf. In October 2007, Enduring Powers of Attorney were replaced by Lasting Powers of Attorney. It is therefore no longer possible to create new Enduring Powers of Attorney but an Attorney given power under an Enduring Power of Attorney created before 1 October 2007 can still use it and apply to have it registered by the Public Guardian (see below).

### An Attorney must:-

- Always act in the best interests of the Donor and consider their needs and wishes as far as possible.
- Not take advantage of the Donor's position to gain any benefit for themselves.
- Keep the Donor's money and property separate from their own and other people's finances.
- After the registration, the Donor cannot end the Enduring Power of Attorney without confirmation from the Court.
- The Attorney cannot disclaim (retire) unless they give notice to the Office of the Public Guardian.

### Registration of an Enduring Power of Attorney

The Attorney has a duty to apply to register the Enduring Power of Attorney as soon as he or she believes that the Donor is becoming or has become mentally incapable of making financial decisions for him or herself.

To register an Enduring Power of Attorney, certain prescribed relatives of the Donor may need to be notified and if they do not lodge an objection, the Public Guardian will register the Enduring Power of Attorney enabling the Attorney to act or to continue to act for the Donor.

We can assist you in the registration process or advise if you have a notice of registration and wish to object.

## Contacts

For further information, please contact your usual Leeds Day contact or:-

St Neots Office  
01480 474661

Huntingdon Office  
01480 454301

St Ives Office  
01480 464600

Email: [wills@leedsday.co.uk](mailto:wills@leedsday.co.uk)

For a full list of our offices and people please visit

[www.leedsday.co.uk](http://www.leedsday.co.uk)

The information contained in this note is correct to the best of our knowledge at the time of publication. It is intended as a general guide only and should not be taken as specific advice.

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