

A Power of Attorney is not a poor relation to a will

– Vast majority of Scots remain unprepared –

Signing a power of attorney should be as commonplace as a will and failure to do so causes needless distress and frustration for family members, according to a leading expert.

Euan Fleming, Partner, Head of Private Client Law at Gilson Gray, believes appointing a power of attorney is as important and, in some cases, potentially more important than setting up a will.

The unpredictable nature of health can leave many – often irrespective of age – unable to sort their affairs for themselves.

Family members with no power of attorney are left helpless and unable to step in, causing issues during what is already a distressing time.

Euan said: “It’s always been a part of culture to set up a will. It’s offered when we get our first mortgage and common knowledge for most that one is needed to distribute possessions among friends and family.

“However, the same cannot be said when it comes to creating powers of attorney and if you don’t have one in place, it can cause serious ramifications for your family.

“People can be struck down with illness at any stage of life with no prior warning and with no power of attorney, it can be a costly process to get a guardianship order from the courts which can take up to nine months.

“Funding care can become a nightmare as next of kin are unable to sell homes without the relevant permissions in place.”

Euan believes there is a common misconception that next of kin will automatically take control of a loved ones affairs which is why having an award-winning law firm like Gilson Gray to guide you through the process is so important.

He added: "We always suggest that people do both their will and their power of attorney at the same time as this is good practice.

"Powers of attorney have to be created in a specific manner otherwise when it's needed, the Office of the Public Guardian has the power to reject it.

"Finding out that a power of attorney agreement is not legal when you need it most is of course incredibly stressful and frustrating.

"That's why at Gilson Gray we guide clients through the process step-by-step to ensure it is registered correctly.

"We also advise on exactly what a power of attorney can legally do so that mistakes aren't made inadvertently."

The Firm also won Corporate Firm of the year 2018, following previous recognition as Litigation Firm of the Year.



Euan Fleming