

serving
the community
through the
administration
of justice

A Guide for Users of the Office of Care and Protection

Enduring Power of Attorney Planning for the Future

Northern Ireland Court Service
www.courtsni.gov.uk

What is a Power of Attorney?

A Power of Attorney enables you to choose a person/or persons (called an attorney) to deal with your property and affairs. Whereas a Power of Attorney ceases in the event of you becoming mentally incapable of managing your affairs an Enduring Power of Attorney will continue. It is important to remember that mental incapacity can happen to anyone at anytime eg by accident or through illness.

When can an Enduring Power of Attorney be made?

You can grant the power at any time provided you are over 18 years of age and mentally capable of understanding what the Enduring Power of Attorney is.

How do I appoint an Attorney?

It is advisable to seek legal advice as careful consideration should be given to the range of powers you wish to give to your attorney. These should also be agreed with your attorney.

Do I have to give my Attorney full powers over all my affairs?

No. You can limit the power to certain parts of your affairs, for example, you may wish them to handle your money but you might want to exclude the sale of your dwelling house from their power.

When does the power take effect?

It takes effect as soon as the attorney signs unless you have included any conditions or restrictions about when the power should commence.

Can I change my mind at any time?

Yes. You can cancel or amend the Enduring Power of Attorney at any time while you are mentally capable. For example if the attorney you have chosen dies or becomes incapable or no longer wishes to act on your behalf you will need to appoint a new attorney.

What happens if I become mentally incapable?

If your attorney(s) have reason in the future to believe that you are becoming mentally incapable of managing your affairs they will have to apply to the

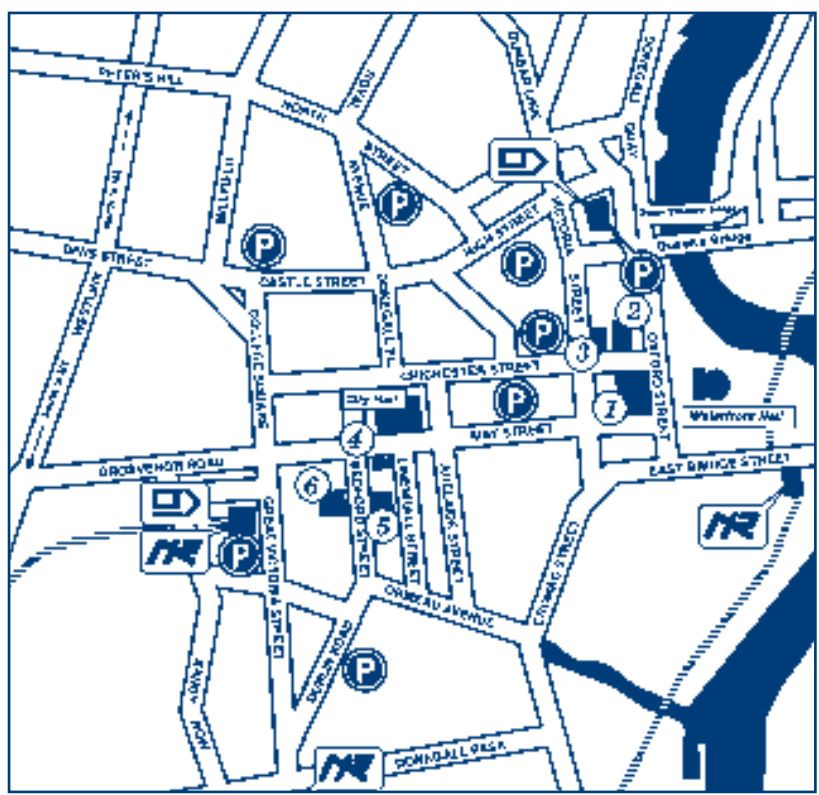
High Court (Office of Care and Protection) for registration of this power. You will receive notification of the attorney's application to the court. The court may question the attorney's handling of your affairs and may cancel his power at any time if it is not satisfied that the Attorney is acting in your best interests.

Who can I contact to make further enquires?

Any solicitor can provide advice and the Office of Care and Protection can supply general guidance. See opposite for details of how to contact or visit the Office of Care and Protection.

Where is the Office of Care and Protection?

The Office of Care and Protection is located in the Royal Courts of Justice at the lower end of Chichester Street, central Belfast. The map opposite gives a general plan of Belfast and in particular shows the Royal Courts of Justice and the details of public transport and the nearest car parks.



- ① *Royal Courts of Justice*
- ② *Belfast Magistrates Court*
- ③ *Belfast County Court Office*
- ④ *Lancashire House*
- ⑤ *Bedford House*
- ⑥ *Windsor House*
- P** *Car Parking*
- M** *Railway Stations*
- Bus** *Waterbus Depots*

Any enquiries may be made in person by telephone or by post to:

The Office of Care and Protection
 Room 2.2A, Second Floor
 Royal Courts of Justice
 Chichester Street
 Belfast BT1 3JF
 Telephone (028) 9072 4733
 Fax (028) 9032 2782



For further information on the work of the Northern Ireland Court Service please contact

Northern Ireland Court Service

Information Centre

Windsor House

Bedford Street

Belfast BT2 7LT

Telephone 028 9032 8594

Facsimile 028 9041 2390

Textphone 028 9041 2920

Email informationcentre@courtsni.gov.uk

www.courtsni.gov.uk