



An enduring power

Esther, one of my daughter's friends since her schooldays, has a very respectable father, a chartered accountant, called Sidney. Like most of her generation, Esther has had a varied career. First working on a kibbutz, then a spell as a holiday company rep, followed by an unsuccessful trialist on *Blind Date*, and a stint manning a foreign exchange desk. She is now employed as a financial adviser on Guernsey – handing out advice on tax scams and blind trusts and the like to the resident millionaires. Remembering Esther as a little girl, I am not sure that I would want to accept financial advice from her. To my mind, too giggly and too obsessed with her Barbies. But, as my daughter frequently reminds me, her generation now rules the world. In fact, as I have to remind myself, another of her school friends, Betty, is now a resident at a well-known teaching hospital, and Betty, I felt, used to be over-fond of her Sindies.

Esther recently returned from Guernsey, and met up with my daughter. "Guess what Esther now has," asked my daughter. "Dunno," I replied. "Membership of a girl group? A place on an Everest expedition? Engagement to Robbie Williams?" "No, you are completely wrong," she answered. "Sidney has only given a Power of Attorney to Esther and her brother." (Esther's brother, Lionel, is a sharp solicitor, whom I have seen attacking welfare scroungers from the podium of a Conservative Party Conference). "But why?" I gasped. "In case Sidney goes mad," she explained, "and isn't it about time you gave a Power of Attorney to me?" "But I show no signs of going mad yet," I protested. "Neither does Sidney," she replied, "but Lionel felt that he should make out a Power of Attorney while he was still sane, so that there would be no fuss when he became insane." "But I have never heard of a chartered accountant becoming insane," I snapped. "Sometimes very fed up, sometimes very depressed, but never insane."

"How old is Sidney?" I asked in horror. "Eight years older than you," my daughter replied. "Has Esther started to rob Sidney blind yet?" I pursued. "Of course not," she reacted. "Esther is not like that," but then, having had the idea put into her head, asked, "but, if you gave me a Power of Attorney and I wanted to buy a sports car or a Gucci handbag, what would I need to do?" "But I am not giving you a Power of Attorney yet," I reminded her.

"Is it expensive to get one?" she asked. "Not really," I continued cautiously, "for a solicitor doesn't have to be involved. You can order a Form 36E for an Enduring Power by phone. Probably on the internet nowadays. All you have to do is fill in the boxes and

get it signed and witnessed." "No other snags," she enquired. "Well," I replied, "you will have to find a bank manager who will accept my signature on the form and your signature on the cheques. Except that is hard to find a human bank manager these days, and that you probably won't get a cheque guarantee card." "I could cope with that," she assured me.

I began to blush inwardly, remembering one of the more disgraceful episodes in my life. Fortunately, it happened so long ago that I have forgotten whether I held my mother-in-law's frail fingers as she formed a signature on the 36E form (pretty unworthy), or I pushed her frail wrist (almost as bad). Anyway, I assured myself, the poor old dear really did need to appoint me as her attorney. At that stage, she would catch the bus into town once a week to collect her pension, would usually leave her allowance book on the Post Office counter, and

would then put the banknotes into a hat-box under her bed. She is 93 now and is perfectly happy in her retirement home, although we have been warned that she might have to be evicted if she does not stop attacking other residents and wrestling them to the ground.

"Oh, I have remembered another thing," I added. "If you try to sell my house, the solicitor might still want to question me." "But why would he want to do that, if you had already made me your attorney?" she asked. "Don't ask me," I replied, "a sense of ethics perhaps. Anyway, your grandmother's solicitor visited her when we were trying to sell her bungalow, and I couldn't stop him."

"Did he ask difficult questions?" she enquired. "Not really. Just the usual points on his questionnaire," I answered, "Like whether the vendor would remove the shrubs in the garden. Like whether the vendor intended to retain the

mineral rights. Like whether there were any wild, or dangerous, animals roaming in the garden. Fortunately, I was sitting behind the solicitor and I was able to prompt her on when she should shake her head."

"And you do realise," I warned, "that, if I go insane, you are meant to register the Enduring Power with the Court of Protection. From then on, it will all become much more difficult. The Court might want to approve the purchase of every sports car. Every Gucci handbag." "It sounds as though we should move quickly," she remarked. Finally, I shook my head and said, "Sidney must be mad." "No," replied my daughter, "he signed the form when he was perfectly sane. ■

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