

## Can your financial Power of Attorney be used abroad?

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Setting up an Enduring Power of Attorney ('EPA') or Lasting Power of Attorney ('LPA'), appointing someone to make financial decisions on your behalf should you lose mental capacity, is an important part of your estate planning. If you live or are moving abroad or you own property overseas, then you will also need to check whether the planning you have put in place will be sufficient or whether you need to take further steps to protect your assets.

### Questions to ask

Firstly, does the law in the other country recognise your EPA or LPA? Some countries will recognise the documents (provided they are valid in England and Wales) and allow them to be used. But even then, there may be further requirements. The document may need to be translated and many legal systems will insist on an 'apostille' being affixed. This is an official, government issued certificate which confirms the authenticity of signatures and seals on documents without requiring further evidence or proof.

Secondly, is it urgent? After you have jumped through the relevant hoops, there could still be significant delays whilst trying to convince a bank or other financial institution that the EPA or LPA is valid and enforceable. So, don't leave it to the last minute. When you consider that banks in the UK still have significant improvements to make in how they deal with UK powers of attorney, you can see how difficult it might be to convince a bank abroad to recognise and apply an unfamiliar foreign document.



## Specialist advice

It is essential to take advice from a suitably qualified professional in the country in question, to understand how your UK power of attorney will be viewed and applied and whether you can rely on it. It is highly likely that you will be advised to set up the equivalent to a power of attorney in each country in which you hold assets. This will avoid the issues outlined above and will give you peace of mind that your worldwide estate can be managed if you lose capacity.

If you would like to discuss this further, please contact [Stephen Horscroft](mailto:stephen.horscroft@cripps.co.uk) on 01892 506341 or at [stephen.horscroft@cripps.co.uk](mailto:stephen.horscroft@cripps.co.uk).

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