

CONTINUING & WELFARE POWER OF ATTORNEY (SCOTLAND)

This Continuing and Welfare Power of Attorney is made on the _____ day of _____, _____, by me, _____ [insert name of granter], of _____ [insert full address of granter] in accordance with Sections 15 and 16 of the *Adults with Incapacity (Scotland) Act 2000* and any subsequent amendments thereto (hereinafter referred to as the "Act").

1. Appointment of Attorney

[if you are appointing only one person as your attorney, use this paragraph]

I do hereby appoint _____ [insert name of attorney] of _____ [insert full address of attorney] to be my Continuing and Welfare Attorney (hereinafter referred to as the "Attorney").

OR

[if you are appointing more than one person as your attorney, use this paragraph. Indicate whether you want the attorneys to act jointly (together), or jointly and severally (i.e. they can make decisions together, but if only one person is available to make a decision on your behalf, that person may do so alone)]

I do hereby appoint _____ [insert name of first attorney] of _____ [insert full address of first attorney] and _____ [insert name of second attorney] of _____ [insert full address of second attorney], [choose the appropriate option: jointly / jointly and severally], to be my Continuing and Welfare Attorneys (hereinafter referred to as the "Attorney").

OR

[if you are appointing one attorney plus a substitute attorney, use this paragraph]

I do hereby appoint _____ [insert name of attorney] of _____ [insert full address of attorney], whom failing _____ [insert name of substitute attorney] of _____ [insert full address of substitute attorney], to be my Continuing and Welfare Attorney (hereinafter referred to as the "Attorney").

2. General Powers

I authorise my Attorney to manage my whole affairs as my Attorney deems fit. My Attorney shall have full power, subject to the limitations set forth in Paragraph 5, for me and in my name, or in his/her own name as my Attorney to do everything regarding my estate which I could do for myself and that without limitation by reason of anything contained in this Continuing and Welfare Power of Attorney or otherwise.

In the event that I become incapable of making decisions regarding my personal welfare, in terms of the Act, or if my Attorney reasonably believes that I am no longer capable of making decisions regarding my personal welfare, then my Attorney may make decisions on my behalf in relation to my personal welfare. I have considered how my incapacity will be determined, as set forth in Paragraph 8.

My Attorney shall be subject to the requirements of the Act.

[NOTE: An Attorney CANNOT create a will on behalf of the Granter.]

3. Specific Continuing Powers

Without prejudice to the general powers set forth in Paragraph 2, my Attorney shall have the following powers in relation to my estate:

[delete any of the following powers which you do not wish to confer upon your attorney]

THIS IS A 7-PAGE DOCUMENT, WITH INSTRUCTIONS.