

# **STEP JOURNAL**

Downloaded on 7th October 2024 - 05:57

## **Cretney & Lush on Lasting and Enduring Powers of Attorney - a review by Aileen Barry**

Aileen Barry reviews 'Cretney & Lush on Lasting and Enduring Powers of Attorney'

I was delighted to be able to review this book, as I had been asked by an elderly friend to accept a lasting power of attorney on her behalf, and, being a lay person as regards legal matters, wanted to know what was involved, what would be my responsibilities, who would monitor or oversee the appropriateness of my actions and what would be my liabilities if I were to fail in any way.

The answers to all the above can be found in *Cretney & Lush on Lasting and Enduring Powers of Attorney*, although I expect that most readers of this impressive and erudite book already know such basics. Indeed, the book is not written for a layman but for someone already familiar with legal concepts, someone who needs to understand the rationale for certain rules and the finer niceties of creating, accepting and acting under powers of attorney, whether for all matters or simply financial.

The first chapters cover the history of powers of attorney, why they are needed and how more and more use is being made of these powers. Having explained the historic distinction between enduring and lasting powers, the following chapters cover the full legal process: determining the capacity of the creator or donor of the power; who may be an attorney for this purpose (not necessarily a legally qualified individual); who needs to be informed; the actual execution process; and registration to validate. Various situations and potential complexities inherent in such situations are explored, to set out the process whereby the donor of the power is protected, the role of the Office of the Public Guardian and the operations of the courts.

All the forms that may be needed to establish or create a power are included. The extensive final chapter of the book covers full case reports of what seems to me to be every imaginable scenario and problem that could arise. All in all, this is a comprehensive guide for the practitioner who needs to be confident of their position and the advice they give to their client.

By Denzil Lush

**Publisher:**

Jordans

**ISBN:**

978-1-84661-813-0

**Price:**

GBP75.00

© 2024 STEP (Society of Trust and Estate Practitioners). All rights in and relating to the STEP Journal and Trust Quarterly Review and to content online at [journal.step.org](http://journal.step.org) are expressly reserved.

<https://journal.step.org/step-journal-june-2014/cretney-lush-lasting-and-enduring-powers-attorney-review-aileen-barry>