

# POWERS OF ATTORNEY & APOSTILLE LEGALISATION



**M** **MONARCH**  
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# TYPES OF POWERS OF ATTORNEY

There are different types of power of attorney and you can set up more than one.

## ORDINARY POWER OF ATTORNEY (POA)

This covers decisions about your financial affairs and is **valid while you have mental capacity**. It is suitable if you need cover for a temporary period (hospital stay or holiday) or if you find it hard to get out, or you want someone to act for you.

### ☑ GENERAL POWER OF ATTORNEY

This is typically very broad, giving the agent extensive powers and responsibilities to handle all your affairs during a period of time. The agent may be able to make medical decisions, legal choices, or financial or business decisions.

### ☑ SPECIAL POWER OF ATTORNEY

A Special, Specific or Limited Power of Attorney gives your agent the authority to conduct a *specific* act or acts on your behalf. You can even make several different POAs, with different agents for each.

## LASTING POWER OF ATTORNEY (LPA)

An LPA covers decisions about your financial affairs, or your health and care. **It comes into effect if you lose mental capacity**, or if you don't want to make decisions yourself.

### ☑ FINANCE & PROPERTY

An LPA for financial decisions can cover things such as buying and selling property, paying the mortgage, investing money, paying bills, arranging repairs to property and dealing with your bank account. You can restrict the types of decisions your attorney can make, or let them make all decisions on your behalf.

### ☑ HEALTH & WELFARE

This covers health and care decisions and can only be used once you have lost mental capacity. An attorney can generally make decisions about things such as where you should live, your medical care, what you should eat, who you should have contact with, what kind of social activities you should take part in. You can also give special permission for your attorney to make decisions about life-saving treatment.

## ☑ Forward Planning

If you're married or in a civil partnership, you may have assumed that your spouse would automatically be able to deal with your bank account and pensions, and make decisions about your healthcare, if you lose the ability to do so.

This is not the case. Without a POA or LPA, they won't have the authority.

POAs and LPAs cease to have effect following the principal's death.

## POWERS OF ATTORNEY FOR USE ABROAD

With increasing globalisation individuals are now likely to have assets outside the UK.

Whilst people are aware of the need to consider putting in place wills abroad, many neglect to consider setting up a POA to allow their attorneys to deal with their assets abroad.

A POA provides legal authority for the chosen attorney to deal with an individual's affairs when they are unable to handle them, for example, through travel restrictions, ill-health, loss of physical or mental capacity.

We recommended that:

- ✓ Individuals with assets abroad consider making a POA at an early stage to avoid onerous obligations when access to those assets is required in the future.
- ✓ If an individual has assets in more than one country they should consider making a power of attorney in each country in order to minimise delays if the POA is likely to be needed urgently in several countries in the future. The POA should state the jurisdiction in which that power applies expressly.

### Validity of POAs made in England in a foreign jurisdiction

For a POA to be accepted in another country depends upon the country and the institution receiving the document. To ensure that the POA is more likely to be accepted worldwide as authentic, the following steps should be taken:

- ✓ The POA should record that the principal is habitually resident in England when it was executed, as both the Hague Convention and the Mental Capacity Act 2005 make habitual residence the key factor when determining the validity of the power.
- ✓ The POA should be specifically state that English law should apply.
- ✓ A solicitor or notary public should act as the certificate provider and must witness all signatures when the document is executed.



# OUR PROCESS & FEES

## Our Process

Our experienced team will take detailed instruction from you to ensure your power of attorney is carefully drafted to set up the right balance of restrictions and access for your attorney.

These documents are understandably complicated, and having a clearly articulated plan goes a long way toward outlining the kinds of decisions you want your attorney to make on your behalf.

## Mental Capacity

To grant a valid power of attorney the principal must have mental capacity and must be free from duress. Mental capacity means the ability to make or communicate specific decisions at the time they need to be made.

To have mental capacity the principal must understand the decision being made, why they are making it and the likely outcome of that decision. Where we are unsure as to the principals capacity, we will require a certificate from their doctor.

## Our Fees

DRAFTING SERVICE	FEE ESTIMATE	DISBURSEMENTS
Ordinary Power of Attorney	£400 + VAT	Postage & Copying Translations if required
LPA – Property & Finance	£350 + VAT	Certification Fee OPG Fee (LPAs only) Capacity Assessment
LPA – Health & Welfare	£350 + VAT	Bankruptcy Searches Company Search

## ✓ Wills & Trusts

Many people put off writing a will because they believe it will be costly or difficult, that it is unnecessary because their possessions will automatically pass to their spouse or children, or simply to avoid thinking about their own death.

But writing a will is critically important for all adults regardless of wealth, marital status, or age.

As a regulated solicitors firm, our private client team can provide legal advice on setting up a will or trust to deal with your estate upon your death.

# APOSTILLE LEGALISATION

An apostille is an official government certificate to confirm the authenticity of a document presented with it. This process is known as legalisation of a document and is an international certification comparable to a notarisation.

Documents that have been legalised and bear an apostille, are internationally recognised by countries that are signatories to the 1961 Hague Convention.

In the UK, the Foreign & Commonwealth Office (FCO) has a department that legalises documents for overseas use and issues the apostille.

As a SRA regulated solicitors firm we are recognised by the FCO and hold a business account with the department to ensure the quick processing of your legal documentation. We can certify the authenticity of documentation and also arrange translations.

Examples of types of documents we can legalise for international use include, court documents; academic certificates and qualifications; company documents; passports and driving licence; grants of probate, wills and last testaments; affidavits and statutory declarations; deed polls, birth, death, marriage and divorce certificates; employment letters and P60's; university degree certificates; contracts, agreements or resolutions and powers of attorney.

## Powers of Attorney

Generally, in order for a POA to be accepted, the following will be required:

- ✓ A certified copy of the POA, attested by a solicitor / notary public with an apostille attached by the Foreign and Commonwealth Office.
- ✓ A translated version of the LPA into the local language - a notarial certificate may be required in addition to certify the translation.

SERVICE	FEE ESTIMATE	DISBURSEMENTS
Apostille Application x1	£150 + VAT	FCO Fee Postage & Copying Translations if required
Each Additional document	£75 + VAT	



## ABOUT US

Monarch Solicitors are a highly accredited commercial law firm boasting offices in Manchester, London, Hong Kong, Turkey and Dubai to serve a diverse client base across both domestic and international clients, with proven success in several international markets.

As a multi-disciplined firm we offer expertise across all areas of law for your personal or business needs and provide a world class service and deliver the best possible results. We have established expertise in the legal disciplines of real estate, corporate, contract, mergers & acquisitions, investment & finance, regulatory and disciplinary, tax, commercial litigation, employment, private client, family law and immigration.

As recognised leaders in our field we hold numerous sector relevant accreditations and received praise for our enviable success record and excellent client services. We pride ourselves on fighting your corner with passion and drive whilst delivering pragmatic, strategic and timely advice, protecting your interests and investments.

With a wealth of experience our highly qualified multi-lingual team (Mandarin, Cantonese, Arabic, Turkish, Hindi, Punjabi and Urdu speaking) provide our clients with the best possible service and expert management of cross jurisdictional issues.

Our trusted team of legal advisors are aware of the commercial realities and provide bespoke advice to high net worth individuals (HNWI's), board level directors, multi-national corporations, local companies through to private clients.

We pride ourselves on ease of communication and apart from the traditional contact methods of telephone and email we also use instant messaging services such as WhatsApp, WeChat, Telegram and IMO so that our clients can contact us with ease.

Contact us to discuss your requirements today.

**Award  
Winning**

**Excellent  
Service**

**Regulated  
Solicitors**



## OUR TEAM



**Serena Amani\***  
C.E.O. & Solicitor



**Alan Lewis**  
Director & Solicitor



**Ian Bowen**  
Director



**Zayn Ahmed**  
Director



**Mohammed Khizar**  
Solicitor



**Joseph Diver**  
Trainee Solicitor



**Saher Qarini**  
Trainee Solicitor



**Janice Cheung**  
Trainee Solicitor



**Charles Hancock**  
Paralegal



**Leah Whitehead**  
Paralegal



**Ellis Haworth-Bowyer**  
Paralegal



**Joanne Lau**  
Licensed Conveyancer



**Bethany Hawkins**  
Paralegal



**Andrew Truong**  
Accounts Manager



**Josh Omri**  
Technical Support

\*Shazda Ahmed is known as Serena Amani.

# ADDITIONAL SERVICES

## PERSONAL SERVICES



### Employment

Bullying & Harassment, Constructive Dismissals, Discrimination, Employee Grievance



### Property

Residential Conveyancing, Right to Manage, Equity Release, Compulsory Purchase Orders



### Lease Extensions

Houses, Flats, Right to Manage, Missing Freeholders, Tribunal, Disputes



### Wills, Trusts & Probates

Will Writing Service, Court of Protection, Inheritance Disputes, Power of Attorney



### Litigation

Debt Recovery, Bankruptcy & Insolvency, Education Disputes, Injunctions, Landlord & Tenant Disputes



### Immigration

Appeal & Judicial Review, British Citizenship & Naturalisation, BNO Passport Holders



### Family Law

Divorce, Pre / Post Nuptial Agreements, Cohabitation Agreements

## BUSINESS SERVICES



### Employment Law

Defending Tribunal Claims, Employment Contracts, Redundancy Procedures



### Commercial Property

Commercial Conveyancing, Commercial Lease, Freeholder Duties, Construction, Compulsory Purchase Orders



### Corporate

Mergers & Acquisitions, Business Sales & Purchases, Corporate Governance, Commercial Contracts



### Commercial Litigation

Contract Disputes, Commercial Debt Recovery, Director & Shareholder Disputes, Defamation



### Business Immigration

Business Visas, Long / Short Term Work Visas, Global Business Mobility Visas, Sponsor Licence



### Finance

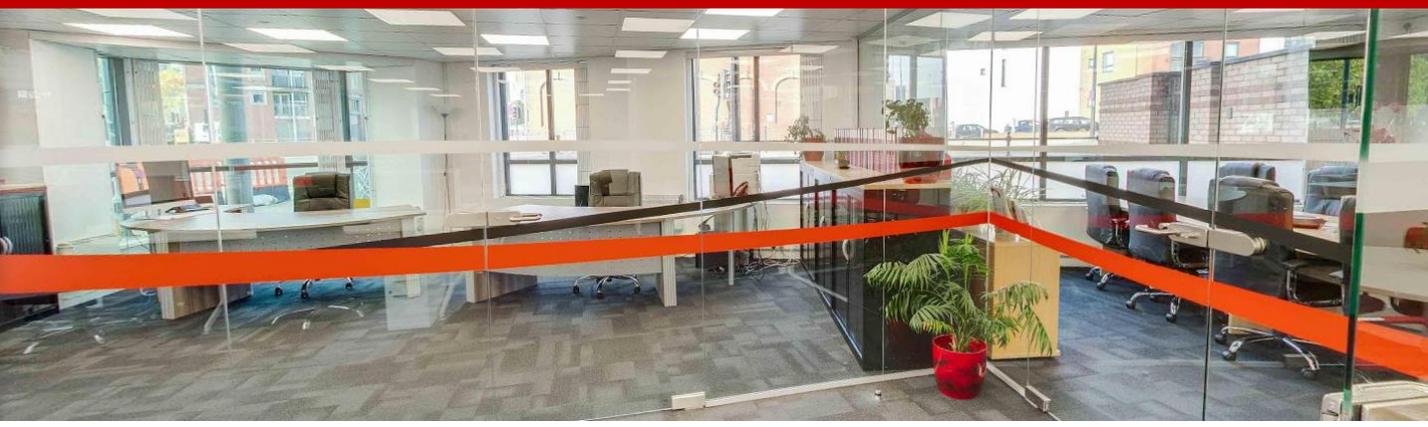
Corporate Finance, Bridging Finance, FCA Licensing, Insolvency



### Regulatory & Disciplinary

Director Disqualification, Trading Standards Investigations, GDPR

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