



What might be considered a reasonable and fair professional fee which should be charged by solicitors for preparing the new enduring powers of attorney established by the Powers of Attorneys Act, 1996? The question is as broad as it is long.

There is no straightforward or simple answer to such a question. There will be opposite ends of the spectrum in respect of this transaction.

For example, there may be quite straightforward enduring powers of attorney, say, executed as between husband and wife either at the time of making or execution of a will or preparing a codicil to an existing will. These would fall under the lower end of the spectrum and a fee in the order of £150 or thereabouts for each power of attorney would be appropriate.

Into the next category would fall cases where there may be some substantial amount of investigative work on the part of the solicitor, such as effectively gathering in assets, satisfying himself as to the criteria and testamentary and mental capacity of the donor and establishing with clarity the precise intentions behind the power of attorney and giving consideration to the question of the attorney's provision situation. Each one of these situations would have to be taken on its merits as undoubtedly there would be situations whereby the assets may be straightforward or indeed the Solicitor may already possess a list of the assets in the context of estate planning, taxation and inheritance tax advice. Consequently these situations would want to be considered in isolation.

However, taking a situation where a new client would call to a Solicitor, seek instructions and advice, a fee in the order of £500 might be appropriate for putting into effect the enduring power of attorney. After this, there is a third category which involves careful consideration as to the mental capacity of the donor. This is a very careful and subjective assessment requiring medical advice and careful consideration of the issues. Indeed, it is my experience that in cases where there are issues of mental capacity in addition to the medical advice, there will usually be an element of infirmity on the part of the donor which often necessitates physical attendance at the donor's house or nursing home or hospital.

In addition, there would also be a requirement that the power of attorney be registered in the Wards of Court Office. For attending to all these duties, an appropriate fee would be in the order of £600.00.

As in every rule, there will be exceptions and the above guidelines should be treated exactly as such. As always, there will be those Solicitors who would give the matter very considerable attention and there will be those who deal with the matter on a more cursory basis but yet achieve the same result. Consequently, a degree of restraint and caution should be considered in relation to the guidelines referred to above.

**POWERS OF
ATTORNEY ACT,
1996: ENDURING
POWERS OF
ATTORNEY**