

Your Legal Questions

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Q My husband has Alzheimer's and can no longer sign his cheques - how can I access his savings to pay the bills?

A First of all we need to consider what steps, if any, your husband may have taken to cover this situation. If before your husband lost capacity he completed an authority enabling you to sign cheques on his bank account you will still be able to do so. Unfortunately the authority will not extend to any other savings or investments and you may therefore still face difficulties if there is insufficient in the cheque account to cover all the bills.

It may be that your husband had the foresight to make an Enduring or Lasting Power of Attorney. If this is this case then you almost certainly will be able to sign cheques and access his savings assuming that the documents do not restrict this. However it is more than likely in either case that the Power of Attorney will need to be registered with the Court of Protection.

If none of the above apply it is vital that you waste no time seeking professional advice in order to check whether your husband is still able to create a Lasting Power of Attorney. If unfortunately your husband lacks the necessary capacity then your only option will be to make an application to the Court of Protection for you to be appointed as your husband's Deputy.

This will involve completing various Court forms and obtaining a medical certificate. Although you can personally make the application to the Court in my experience most people benefit from legal assistance.

Once appointed you will only be able to act within the terms approved by the Court and will need to keep and file annual reports.

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