

Your rights in the AIDS era. 5, Power of attorney / Immunity.

Contributors

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i mmunity

Society for HIV Research and Education

YOUR RIGHTS IN THE AIDS ERA

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**5. Power
of attorney**

What is 'A Power of Attorney'?

A Power of Attorney is a legal document by which you give someone else the power to act on your behalf.

It can be either a general power or a special power to do a particular thing, for instance, to sell a house for you or to operate your bank account.

It can be for a limited time or for ever. But even if it is for ever, you can still change your mind at any time.

What are the advantages of creating a Power of Attorney?

You may want to give a Power for any of the following reasons:

- You may be going abroad for a while and need someone to look after your affairs at home.
- You may be going into hospital and need your affairs dealt with while you are there.
- You may be physically unable to look after your affairs or they may be too much of a worry for you to cope with.
- You may want one particular matter to be dealt with in some other part of the country.

What are the dangers?

You must have complete confidence in the person to whom you are giving the Power.

If you give them a general Power, they can do anything in your name. And even if you give them the power to carry out only one transaction you still have to be sure they will do it the way you want and will look after your interests.

Can I change my mind?

Yes. You can revoke the Power. That means you take away the other person's authority to act on your behalf. But most Powers are stated to be irrevocable, so someone dealing with your attorney in good faith will be protected in respect of any dealings that are carried out.

Are there any other disadvantages?

Yes. If you become mentally incapable the Power ceases to have effect. That's often the time when the Power is most needed.

Is there any way of getting around this difficulty?

Yes. It is possible to create what is known as an Enduring Power of Attorney. This is a Power which remains in force even if you become mentally incapable of managing your affairs.

How is an Enduring Power of Attorney special?

An Enduring Power is special in a number of ways. In the first place it has to follow a prescribed form of wording and be signed in a special way.

And, if you are becoming or have become mentally incapable, the Power has to be registered at the Court of Protection. Until that has been done it cannot be used fully.

Why create an Enduring Power?

There are two good reasons:

It gets round the complication of having to have someone appointed by the Court of Protection to manage your affairs, if you become mentally incapable.

And you can choose the person you want to act for you instead of leaving it to the court – in which case your nearest relative is likely to take precedence.

Can I limit the Power?

Yes. As in an ordinary Power of Attorney, you can limit an enduring Power in any way you want, either as to the property to be dealt with or by imposing conditions.

But there are strong arguments for making the Power general so that your attorney can deal with any eventuality, including some you may not have thought of.

Does the creation of a Power limit my own powers?

No. You can still carry on dealing with your affairs for as long as you want to.

The main reason for creating a Power is for the time you may not be able to carry on yourself.

How do I create the Power?

Not only an Enduring Power but also an ordinary Power are technical legal documents and it is advisable to get them done by a solicitor.

Is a Power of Attorney needed to deal with my welfare benefits?

No. The Department of Social Security – it used to be called the DHSS – can appoint someone to act on your behalf to make claims and receive the money.

How does the Department of Social Security appoint someone to act for me?

The only requirement is that the person to be appointed should apply in writing to the DSS. The DSS must, of course, be satisfied that you are unable for the time being to act on your own behalf.

What about operating a bank account?

Again, a Power of Attorney is not necessary. You can put the account into joint names with someone you trust and arrange that either of you can sign cheques or you can authorise the Bank to accept cheques on your account signed by someone else.

But, overall we recommend the creation of an Enduring Power of Attorney in favour of someone you trust because this anticipates events which may be unexpected and covers all eventualities.

Immunity's legal centre can do it for you and we'd be pleased to fix a time for you to visit so we can talk it over with you.

LONDON AND NATIONAL GROUPS AND SERVICES

Afro Caribbean Helpline Service: Black advisers offering specialised advice and support, Fridays 6pm-10pm, on the National AIDS Helpline (0800-567 123). Calls free

AIDS and Housing Project: Write: 16-18 Stratton Ground, London SW1P 2HP

AIDS Helpline: Information from the College of Health. Daily, 2pm-10pm

Asian AIDS Helpline: Advice given in Bengali, Gujarati, Hindi and English, Wednesdays 6pm-10pm, on 0800-282 445. Calls free

Cantonese AIDS Helpline: Advice given in Cantonese, Tuesdays 6pm-10pm, on 0800-282 445. Calls free

Body Positive: write PO Box 493 London W14 0TF. Mutual help and support group. Drop-in centre (from December 1988) at 51b Philbeach Gardens, London SW5. Helpline: (7pm-10pm) 01-373 9124

Body Positive Support Group: For newly diagnosed people with HIV infection and others with the infection who are anxious, plus the lovers, close friends and relatives of both groups. Meets Sundays at 12.15pm (for 12.30pm) on the second floor at the London Lesbian and Gay Centre, 69 Cowcross Street, London EC1

Care and Resources for People Affected by AIDS/HIV (CARA): write 40 Facion Road, London SW6. Phone 01-381 9656. Christian group offering support to Christians and non-Christians affected by HIV infection and by AIDS

Dentists who treat people with HIV infection: NHS Special Needs Dental Clinic, Alderney Street, London SW1. (Mondays, 3pm-6pm, Tuesdays, Wednesdays 9am-12pm) Phone: 01-630 8436 Or: advice on who to see from Mrs Satchell at City and Hackney Health Authority. Phone: 01-253 3020

Drug Users and Ex-Users with HIV Infection/AIDS/ARC: run by Terrence Higgins Trust. Meets Fridays 7pm-9pm at Trust's offices (52-54 Gray's Inn Road, WC1) Info: David Bickerton on 01-831 0330

Balling AIDS Response: Local group. Write: PO Box 16, Isleworth, Middlesex, TW7 6AG. Phone: 01-963 8872

East London HIV Social Group: Meets Mondays 8.30pm upstairs at the London Apprentice, 33 Old Street, London EC1. Info: Nigel Harvey on 01-377 7458

Frontliners: Mutual help and support group for people who have AIDS. Write: c/o Terrence Higgins Trust, BM AIDS, London WC1N 3XX. Phone 01-831 0330

Haringey Health Authority Helpline: Counselling and advice on the phone on 01-801 1490/01808-1061, extension 212 (10am-6pm)

Haemophilia Society: Information, advice and support for everyone who has haemophilia - and special representation of and support for people with haemophilia infected with HIV by using Factor 8. Write: 123 Westminster Bridge Road, London SE1. Phone: 01-828 2020

Immunity: HIV research and health education charity. With full-time specialist legal centre for anyone with a legal problem connected with HIV infection, AIDS or an AIDS-related complex. Advice and court representation on offer. Also welfare rights advice. Open 10am-5.30pm. Phone to fix an appointment. Charity and legal centre at 280A Kilburn Lane, London W10 4BA. Phone: 01-968 8809

Italian Drug Users and Ex-Users Group: run by Terrence Higgins Trust. Meets Wednesdays 6pm-7.30pm at Basement, SCODA,

1-4 Hatton Place, London EC1 8TD. Info: David Bickerton on 01-831 0330 or Dr Massimo Rocco on 01-352 8161

The Landmark: Open July 1989. Day centre for people who have HIV infection and people who have AIDS. Will offer advice, recreational facilities, meals. Plus info for other people. 47 Tulse Hill, London SW2. Phone 01-671 7611/2

Lesbian Employment Rights: Non-AIDS specialist. Good on rights at work. Address: as LAGER Phone: 01-587 1636 (Mon-Thur 7pm-10pm)

Lesbian & Gay Employment Rights (LAGER): Specialist in rights at work. Mainly men. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SJ. Phone: 01-587 1643. (Mon-Fri, noon-6pm)

London Lesbian and Gay Switchboard: The original helpline. Not an AIDS specialist - but helpful. Write BM Switchboard, London WC1N 3XX. Phone: 01-837 7324 (24hrs)

London Lesbian Line: Information, support and advice for women. Phone 01-251 6911, Mondays and Fridays 2pm-10pm, Tuesdays-Thursdays 7pm-10pm

London Lighthouse: Hospice and drop-in centre. Offers counselling, health advice, support at home, breaks for carers and terminal care. 111 Lancaster Road, London W11 1QU. Phone 01-792 1200

Mainliners: Group for ex-drug users - and drug users who get their supplies on prescription - who have HIV infection or have AIDS or any other AIDS-related complex. Meets Wednesdays 7.30pm-9.00pm at 359 Old Kent Road, London SE1

National AIDS Helpline: Phone - free of charge for free leaflets (0800-555 777) or confidential advice (0800-567 123). 24 hours a day

North London Social and Support Group: Info: Joe on 01-482 4107

Nurses Support Group: Runs helpline for healthcare workers who need advice and help on HIV problems, Mondays and Wednesdays 7pm-10pm, on 01-708 5605

Positively Women: Group of women who have HIV infection or have AIDS. Meets in central London. Info: 01-837 9705 (Mondays-Fridays, 10am-6pm)

Project for Advice, Counselling and Education (PACE): One-to-one counselling and training in counselling. Meetings and write c/o London Lesbian and Gay Centre, 69 Cowcross Street, London EC1. Phone: 01-251-2689

South London Support and Social Group: Info: Rick, 01-875 3919

Standing Conference on Drug Abuse (SCODA): Information officer keeps up-to-date list of needle exchange schemes. 1-4 Hatton Place, London EC1. Phone: 01-430 2341/3

Terrence Higgins Trust: Information and counselling about HIV infection and AIDS. Plus support groups and trained volunteers to help people with HIV infection and people with AIDS. Write: BM AIDS, London WC1N 3XX. Phone: 01-831 0330 (admin only) 01-242 1010 (helpline, daily, 3pm-10pm)

Women's Reproductive Rights Information Centre: Not an AIDS-specialist - helpful. Advice on all health issues affecting women, including HIV infection and AIDS. 62-64 Featherstone Street, London EC1. Phone: 01-351 6332

Women's Support Group: Run by Terrence Higgins Trust. Info: 01-831 0330

What's AIDS?

AIDS is short for the Acquired Immune Deficiency Syndrome. If you have AIDS your body's defence system against all sort of infections is weakened so much you catch diseases which people whose immune systems aren't affected can just shrug off. And, when you catch them, the diseases turn out to be much more serious than they are in people with healthy immune systems. Nobody knows for certain, but it look as if everyone who has AIDS dies of one of the diseases they catch, such as a fairly rare form of pneumonia. You can't catch AIDS. It develops in you for some reason. HIV probably causes that to happen.

What's HIV?

HIV is short for the Human Immunodeficiency Virus. It was first discovered in 1983. Since then it has been called LAV and HTLVIII. But since 1986 the proper name for it has been HIV. It may cause AIDS to develop in you. You can catch HIV infection by allowing your body fluids — blood, semen or vaginal fluids — to become mixed with the body fluids of some who's already infected. HIV isn't like most viruses because, when you're infected it lives inside blood cells which are part of your body's defence system.

What's Immunity?

Immunity is a charity started in 1985 to research into HIV. Its aim is to find some way of helping people who have HIV infection stay well longer. It also runs fitness classes and produces education leaflets and relaxation tapes. With funds from the London Boroughs Grants Scheme, Immunity runs a legal centre in London to give advice and assistance to people who have HIV infection and people who have AIDS. Phone first before visiting to fix a time to call. The address and phone number are at the bottom of this page.

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