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Attorneys and Deputies still on duty

The Office of the Public Guardian (OPG) has told attorneys and deputies that the COVID-19 crisis does not absolve them of their responsibilities. Attorneys and deputies are people who have been appointed (either by the Court, or under a power of attorney) to make decisions on behalf of somebody else in relation to financial matters, health and care matters, or both.

The OPG is in charge of supervising attorneys and deputies and has issued guidance making clear that if attorneys or deputies cannot visit the person they make decisions for – perhaps because of shielding or isolation – this does not mean that they can temporarily give up their role or delegate it to someone else. All the usual duties still apply.

However, if attorneys and deputies cannot access the person they make decisions for, they may ask someone else to implement their decisions.

The OPG guidance also makes clear that it is still possible to make new Lasting Powers of Attorney during the COVID-19 crisis, whilst being careful to observe social-distancing rules and finding safe ways to have the documents signed and witnessed.

If you are a deputy or an attorney and would like advice on meeting your obligations during these unprecedented times, or if you would like advice on making a Lasting Power of Attorney, please speak to a member of our team whose details are below.

Kelly Wardell on 01223 532722 or [click here](#) to email

Kerri Woodrow on 07787 403673 or [click here](#) to email



Inheritance Tax exemption for NHS workers who die of COVID-19?

An extremely important but often overlooked inheritance tax exemption has been brought into focus by the COVID-19 crisis. For many years, the estates of members of the armed forces who die in the line of duty have been able to apply for an exemption from inheritance tax. In 2015, this was extended to emergency service personnel whose death is caused or hastened by being injured in the course of their duties.

It has been suggested that this exemption should apply to NHS staff and frontline workers killed by COVID-19, ensuring that the families of doctors, nurses and other healthcare professionals will inherit more. This is yet to be confirmed by the government, and of course will provide little comfort to those who are bereaved.

If you would like to discuss any of the issues raised above, or need advice in relation to estate administration or inheritance tax planning, please contact us using the details below.

Hauke Harrack on 07584 015602 or [click here](#) to email

Alexandra Francis on 01223 447422 or [click here](#) to email



No witnessing of Wills by videolink

English law currently requires two witnesses to be physically present when someone signs their Will. Social distancing measures during COVID-19 have made this much more challenging.

There have been widespread calls for this rule to be relaxed and to allow the witnessing of Wills to be done by videoconference. However, the Ministry of Justice has responded to these calls by stating that the current challenges have to be weighed up against the importance of protecting elderly and vulnerable people from fraud or coercion.

Please [click here](#) to read our Wills Policy and see how we are continuing to help our clients during the coronavirus pandemic.



Decision making certainty in uncertain times – Advance Directive or LPA?

The last few months have prompted many of us to think afresh about our wishes regarding our healthcare and the medical treatment we would want to receive in the event that we became seriously ill. But how do you make sure your wishes are properly recorded and will be followed? The Hewitsons Private Wealth Team has prepared an interesting article about health and welfare Lasting Powers of Attorney and Advanced Directives, both of which are tools that can be used to help with this. Please [click here](#) to learn more.



Changes to Probate Registry forms raise adoption privacy concerns

HM Courts and Tribunals Service (HMCTS) has recently updated the forms that must be completed to obtain a grant of representation from the Probate Registry.

Under certain circumstances, the person applying for the grant must declare on the form whether the person who has died, or any member of their family, was legally adopted in or out of the family. This information will then become public when probate is granted, which will undoubtedly raise privacy concerns for some families.

This issue can be avoided if the person who has died has a valid Will in place appointing executors who are willing and able to act. This is just another reason why having an up to date and professionally drafted and executed Will is so important.

If you would like to make or review your Will, or if you think the issues raised above could affect your family, please contact a member of our team for advice.

Ciara Wanstall on 01604 463101 or [click here](#) to email

Katherine Hague on 07741 311460 or [click here](#) to email

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