



2016 CHAPTER 18

PART 5

LASTING POWERS OF ATTORNEY

*Protection of attorney and others*

**Reliance on authority of attorney in relation to treatment etc**

**109.**—(1) This section applies if—

- (a) an instrument has been registered under Schedule 4 as a lasting power of attorney granted by a person (“P”);
- (b) another person (“D”) does an act in connection with the care, treatment or personal welfare of P;
- (c) D does the act with the consent of a person (“A”) purporting to be an attorney under a lasting power of attorney granted by P; and
- (d) either A is not such an attorney, or it is not within the scope of A’s authority to consent in relation to the matter in question.

(2) If—

- (a) before doing the act, D takes reasonable steps to establish whether—
  - (i) A is an attorney under a lasting power of attorney granted by P, and
  - (ii) it is within the scope of A’s authority to consent in relation to the matter in question, and
- (b) when doing the act, D reasonably believes that A is such an attorney and has authority to consent in relation to the matter,

D does not incur any liability in relation to the act because A was not such an attorney or, as the case may be, did not have such authority.