



Powers of Attorney Act 1971

1971 CHAPTER 27

3 Proof of instruments creating powers of attorney.

- (1) The contents of an instrument creating a power of attorney may be proved by means of a copy which—
 - (a) is a reproduction of the original made with a photographic or other device for reproducing documents in facsimile; and
 - (b) contains the following certificate or certificates signed by the donor of the power or by a solicitor ^[F1], authorised person []]^[F2], chartered legal executive[]] or stockbroker, that is to say—
 - (i) a certificate at the end to the effect that the copy is a true and complete copy of the original; and
 - (ii) if the original consists of two or more pages, a certificate at the end of each page of the copy to the effect that it is a true and complete copy of the corresponding page of the original.
- (2) Where a copy of an instrument creating a power of attorney has been made which complies with subsection (1) of this section, the contents of the instrument may also be proved by means of a copy of that copy if the further copy itself complies with that subsection, taking references in it to the original as references to the copy from which the further copy is made.
- (3) In this section ^[F3]“authorised person” means a person (other than a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act) and] “stockbroker” means a member of any stock exchange within the meaning of the ^{M1}Stock Transfer Act 1963 or the ^{M2}Stock Transfer Act (Northern Ireland) 1963.
- ^[F4](3A) In this section “chartered legal executive” means a person authorised by the Chartered Institute of Legal Executives to practise as a chartered legal executive.]
- (4) This section is without prejudice to section 4 of the ^{M3}Evidence and Powers of Attorney Act 1940 (proof of deposited instruments by office copy) and to any other method of proof authorised by law.

Changes to legislation: There are currently no known outstanding effects for the Powers of Attorney Act 1971, Section 3. (See end of Document for details)

- (5) For the avoidance of doubt, in relation to an instrument made in Scotland the references to a power of attorney in this section and in section 4 of the ^{M4}Evidence and Powers of Attorney Act 1940 include references to a factory and commission.

Textual Amendments

- F1** Words in s. 3(1)(b) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 21 para. 26(a)** (with [ss. 29, 192, 193](#)); [S.I. 2009/3250](#), art. 2(h)
- F2** Words in s. 3(1)(b) inserted (18.11.2023) by [Powers of Attorney Act 2023 \(c. 42\)](#), **ss. 2(2)**, 3(4)
- F3** Words in s. 3(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 21 para. 26(b)** (with [ss. 29, 192, 193](#)); [S.I. 2009/3250](#), art. 2(h)
- F4** [S. 3\(3A\)](#) inserted (18.11.2023) by [Powers of Attorney Act 2023 \(c. 42\)](#), **ss. 2(3)**, 3(4)

Modifications etc. (not altering text)

- C1** [S. 3\(1\)\(b\)](#) amended (E.W.) (1.1.1992) by [S.I. 1991/2684](#), arts. 2(1), 4, **Sch.1**

Marginal Citations

- M1** 1963 c. 18.
- M2** 1963 c. 24 (N.I.)
- M3** 1940 c. 28.
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Changes to legislation:

There are currently no known outstanding effects for the Powers of Attorney Act 1971, Section 3.