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STATUTORY INSTRUMENTS

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**1987 No. 1627**

**The Enduring Powers of Attorney  
(Northern Ireland) Order 1987**

*Enduring powers of attorney*

**Enduring power of attorney to survive mental incapacity of donor**

**3.—(1)** Where an individual creates a power of attorney which is an enduring power within the meaning of this Order then—

- (a) the power shall not be revoked by any subsequent mental incapacity of his; but
- (b) upon such incapacity supervening the donee of the power may not do anything under the authority of the power except as provided by paragraph (2) or as directed or authorised by the court under Article 7 unless or, as the case may be, until the instrument creating the power is registered by the court under Article 8; and
- (c) section 4 of the Powers of Attorney Act (Northern Ireland) 1971 (protection of donee and third persons) so far as applicable shall apply if and so long as sub-paragraph (b) operates to suspend the donee's authority to act under the power as if the power had been revoked by the donor's mental incapacity.

(2) Notwithstanding paragraph (1)(b), where the attorney has made an application for registration of the instrument then, until the application has been initially determined, the attorney may take action under the power—

- (a) to maintain the donor or prevent loss to his estate; or
- (b) to maintain himself or other persons in so far as Article 5(4) permits him to do so.

(3) Where the attorney purports to act as provided by paragraph (2) then, in favour of a person who deals with him without knowledge that the attorney is acting otherwise than in accordance with sub-paragraph (a) or (b) of that paragraph, the transaction between them shall be as valid as if the attorney were acting in accordance with sub-paragraph (a) or (b).

**Changes to legislation:**

There are currently no known outstanding effects for the The Enduring Powers of Attorney (Northern Ireland) Order 1987, Section 3.