
STATUTORY INSTRUMENTS

1987 No. 1627

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

Introductory

Title and commencement

1.—(1) This Order may be cited as the Enduring Powers of Attorney (Northern Ireland) Order 1987.

(2) This Order shall come into operation on such day as the Head of the Department of Finance and Personnel may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the court” means the High Court;

“enduring power” is to be construed in accordance with Article 4;

“mentally incapable” or “mental incapacity”, except where it refers to revocation at common law, means, in relation to any person, that he is incapable by reason of mental disorder of managing and administering his property and affairs and “mentally capable” and “mental capacity” shall be construed accordingly;

“mental disorder” has the same meaning as it has in the Mental Health (Northern Ireland) Order 1986;

“notice” means notice in writing;

“trust corporation” has the meaning given in Article 9(4) of the Administration of Estates (Northern Ireland) Order 1979.

(3) Any question arising under or for the purposes of this Order as to what the donor of the power might at any time be expected to do shall be determined by assuming that he had full mental capacity at the time but otherwise by reference to the circumstances existing at that time.