

SCHEDULES

SCHEDULE 2

Article 11(6).

FURTHER PROTECTION OF ATTORNEY AND THIRD PERSONS

1. Where—

(a) an instrument framed in a form prescribed under Article 4(2) creates a power which is not a valid enduring power; and

(b) the power is revoked by the mental incapacity of the donor,

paragraphs 2 and 3 shall apply, whether or not the instrument has been registered.

2. An attorney who acts in pursuance of the power shall not, by reason of the revocation, incur any liability (either to the donor or to any other person) unless at the time of acting he knows—

(a) that the instrument did not create a valid enduring power; and

(b) that the donor has become mentally incapable.

3. Any transaction between the attorney and another person shall, in favour of that person, be as valid as if the power had then been in existence, unless at the time of the transaction that person knows—

(a) that the instrument did not create a valid enduring power; and

(b) that the donor has become mentally incapable.

4. Article 11(4) shall apply for the purpose of determining whether a transaction was valid by virtue of paragraph 3 as it applies for the purpose of determining whether a transaction was valid by virtue of Article 11(3).

Changes to legislation:

There are currently no known outstanding effects for the The Enduring Powers of Attorney (Northern Ireland) Order 1987, SCHEDULE 2.