



# Evidence and Powers of Attorney Act 1940

1940 CHAPTER 28 3 and 4 Geo 6

An Act to empower certain officers and other persons to administer oaths and take affidavits, to facilitate the proof in criminal proceedings of documents intercepted in the post, and to make further provision as respects powers of attorney. [13th June 1940]

## Modifications etc. (not altering text)

- C1 Act applied by [S.I. 1966/1168](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C3 A dagger appended to a marginal note means that it is no longer accurate
- C4 Act extended by [S.I. 1985/226, rule 41](#)

1—3. ....<sup>F1</sup>

## Textual Amendments

- F1 Ss. 1—3 repealed by Statute Law Revision Act 1953 c. 5 (2 & 3 Eliz. 2)

## 4 Proof of instruments creating powers of attorney.

- (1) A document purporting to be—
- (a) .....<sup>F2</sup>
  - (b) an extract of an instrument creating a power of attorney registered in Scotland in the books of council and session; or
  - (c) an office copy of an instrument deposited in the proper office of the [<sup>F3</sup>Court of Judicature] under section forty-eight of the <sup>M1</sup>Conveyancing Act, 1881, as it applies to Northern Ireland;

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Evidence and Powers of Attorney Act 1940. (See end of Document for details)*

shall, in any part of the United Kingdom, without further proof be sufficient evidence of the contents of the instrument and of the fact that it has been so deposited or registered.

(2) ..... F4

**Textual Amendments**

**F2** S. 4(1)(a) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**

**F3** Words in [Act](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 6**; [S.I. 2009/1604](#), art. 2(d)

**F4** S. 4(2) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

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**Modifications etc. (not altering text)**

**C5** S. 4 saved by [Powers of Attorney Act 1971 \(c. 27\)](#), **s. 3(4)**; extended by [Powers of Attorney Act 1971 \(c. 27\)](#), **s. 3(5)**

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**Marginal Citations**

**M1** [1881 c. 41](#).

5—7. .... F5

**Textual Amendments**

**F5** Ss. 5—7, 8(2) repealed by [Statute Law Revision Act 1953 c. 5 \(2 & 3 Eliz. 2\)](#)

**8 †Short title and interpretation.**

(1) This Act may be cited as the Evidence and Powers of Attorney Act, 1940.

(2) ..... F6

**Textual Amendments**

**F6** Ss. 5—7, 8(2) repealed by [Statute Law Revision Act 1953 c. 5 \(2 & 3 Eliz. 2\)](#)

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Evidence and Powers of Attorney Act 1940.