



Conveyancing and Law of Property Act 1881

1881 CHAPTER 41

XI

POWERS OF ATTORNEY

46 Execution under power of attorney

- (1) The donee of a power of attorney may, if he thinks fit, execute or do any assurance, instrument, or thing in and with his own name and signature and his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument, and thing so executed and done shall be as effectual in law, to all intents, as if it had been executed or done by the donee of the power in the name and with the signature and seal of the donor thereof.
- (2) This section applies to powers of attorney created by instruments executed either before or after the commencement of this Act.

47 Payment by attorney under power without notice of death, &c good

- (1) Any person making or doing any payment or act, in good faith, in pursuance of a power of attorney, shall not be liable in respect of the payment or act by reason that before the payment or act the donor of the power had died or become lunatic, of unsound mind, or bankrupt, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same.
- (2) But this section shall not affect any right against the payee of any person interested in any money so paid ; and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.
- (3) This section applies only to payments and acts made and done after the commencement of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

48 Deposit of original instruments creating powers of attorney

- (1) An instrument creating a power of attorney, its execution being verified by affidavit, statutory declaration, or other sufficient evidence, may, with the affidavit or declaration, if any be deposited in the Central Office of the Supreme Court of Judicature.
- (2) A separate file of instruments so deposited shall be kept, and any person may search that file, and inspect every instrument so deposited, and an office copy thereof shall be delivered out to him on request.
- (3) A copy of an instrument so deposited may be presented at the office, and may be stamped or marked as an office copy, and when so stamped or marked shall become and be an office copy.
- (4) An office copy of an instrument so deposited shall without further proof be sufficient evidence of the contents of the instrument and of the deposit thereof in the Central Office.
- (5) General Rules may be made for purposes of this section, regulating the practice of the Central Office, and prescribing, with the concurrence of the Commissioners of Her Majesty's Treasury, the fees to be taken therein.
- (6) This section applies to instruments creating powers of attorney executed either before or after the commencement of this Act.