



2016 CHAPTER 18

PART 5

LASTING POWERS OF ATTORNEY

*Scope of lasting power of attorney*

**Scope of lasting powers of attorney: gifts**

**100.**—(1) Where a lasting power of attorney authorises an attorney to make decisions about the donor’s property and affairs, it does not authorise the attorney to dispose of the donor’s property by making gifts except to the extent permitted by subsection (2).

- (2) The attorney may make gifts—
- (a) on customary occasions to persons (including the attorney) who are related to or associated with the donor, or
  - (b) to any charity to which the donor made or might have been expected to make gifts,

if the value of each such gift is not unreasonable having regard to all the circumstances and, in particular, the size of the donor’s estate.

- (3) “Customary occasion” means—
- (a) a birthday, the birth of a child, a marriage or anniversary of a marriage, or the formation or anniversary of a civil partnership; or
  - (b) any other occasion on which presents are customarily given within families or among friends or associates.
- (4) Subsection (2) is subject to any conditions or restrictions in the instrument.