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STATUTORY INSTRUMENTS

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**1987 No. 1627**

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

*Action on actual or impending incapacity of donor*

**Duties of attorney in event of actual or impending incapacity of donor**

6.—(1) If the attorney under an enduring power has reason to believe that the donor is or is becoming mentally incapable paragraphs (2) to (6) shall apply.

(2) The attorney shall, as soon as practicable, make an application to the court for the registration of the instrument creating the power.

(3) Before making an application for registration the attorney shall comply with the provisions as to notice set out in Schedule 1.

(4) An application for registration shall be made in the prescribed form and shall contain such statements as may be prescribed.

(5) The attorney may, before making an application for the registration of the instrument, refer to the court for its determination any question as to the validity of the power and he shall comply with any direction given to him by the court on that determination.

(6) No disclaimer of the power shall be valid unless and until the attorney gives notice of it to the court.

(7) Any person who, in an application for registration, makes a statement which he knows to be false in a material particular shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both; and
- (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or both.

(8) In this Article and Schedule 1 “prescribed” means prescribed by rules of court.

**Changes to legislation:**

There are currently no known outstanding effects for the The Enduring Powers of Attorney (Northern Ireland) Order 1987, Section 6.