

POWER OF ATTORNEY ACT

CHAPTER 334

Attorney acting in good faith

1. Where an attorney makes a payment or does an act in good faith, under a power of attorney, he is not 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 subject to disability or bankrupt, or had revoked the power, if the fact of death, disability, bankruptcy or revocation was not at the time of the payment or act known to the attorney.

RS1960-294-2.

Instruments executed where notice of revocation not filed

2. Where an instrument within the meaning of “instrument” as defined in section 1 of the *Land Title Act* is executed in good faith by an attorney under a power of attorney, that instrument is not invalid or inoperative by reason that before the execution of it the donor of the power had died or become subject to disability or bankrupt, or had revoked the power, if the fact of death, disability, bankruptcy or revocation was not at the time of the execution known to the attorney, unless, prior to the registration of the instrument in the land title office of the land title district in which the land comprised in the instrument is situated, notice of the death, disability, bankruptcy or revocation is filed in the land title office.

RS1960-294-3; 1978-25-332,333,334.

Person dealing with attorney

3. Subject to section 2, where, after the death, disability or bankruptcy of the donor of a power of attorney or the revocation of the power by the donor, a person in good faith and without knowledge of the death, disability, bankruptcy or revocation, and in dealing with the attorney in the name of the donor, makes payment to the attorney or accepts payment made or becomes a party to or interested in or purports to acquire rights under an act done by the attorney under the power of attorney, without the attorney having knowledge of the death, disability, bankruptcy or revocation, the power of attorney is, in favour of the person dealing with the attorney, as effectual in all respects as if the death, disability, bankruptcy or revocation had not happened or been made.

RS1960-294-4.

Evidence of revocation

4. (1) A statutory declaration made by an attorney at the time of or within 3 months after the making of a payment, the doing of an act or the execution of an instrument referred to in this Act to the effect that at the time of payment, or the doing of the act or the execution of the instrument, as the case may be, he had not received notice or information of the revocation of the power of attorney, shall, in favour of every person dealing with the attorney in respect of the payment, act or instrument, or acquiring property or rights under it, be taken as conclusive proof that the attorney had

not at that time knowledge of the death, disability or bankruptcy of the donor of the power or of the revocation of the power by the donor.

(2) Where the donee of the power is a corporation, an officer authorized to act for the corporation in the execution of the power, either alone or in conjunction with others, may make the statutory declaration as if that officer had been the donee of the power.

RS1960-294-5

Probate or administration granted to an attorney

5. Where probate or letters of administration have been granted to a person as attorney for some other person, sections 1 to 4 apply as if the payments made or acts done under the grant had been made or done under a power of attorney of which that other person was the donor.

RS1960-294-6

Corporation may appoint attorney

6. (1) A corporation within the legislative jurisdiction of the Legislature may, by instrument in writing under its corporate seal, empower a person, in respect of a specified matter or purpose, as its attorney, to execute deeds or documents on its behalf.

(2) Every deed or document signed by the attorney on behalf of the corporation, and under his seal, is, if it comes within the scope of his authority, binding on the corporation, and of the same effect as if it were under the corporate seal of the corporation.

RS1960-294-7

Enduring power of attorney

7. (1) The authority of an attorney given by a written power of attorney that

- (a) provides that the authority is to continue notwithstanding any mental infirmity of the donor; and
- (b) is signed by the donor and a witness to the signature of the donor, other than the attorney or the spouse of the attorney,

is not terminated by reason only of subsequent mental infirmity that would but for this Act terminate the authority.

(2) The authority of an attorney under a power of attorney referred to in subsection (1) terminates on the making of an order under section 2 of the *Patients' Property Act* or on the appointment of a committee under section 6 (1) of that Act.

(3) A termination under subsection (2) is a disability for the purposes of sections 1, 2 and 3, but the termination does not disentitle a person to the protection of those sections.

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