STATUTORY INSTRUMENTS

1971 No. 1197

LAND REGISTRATION

The Land Registration (Powers of Attorney) Rules 1971

Made - - -	22*nd July* 1971
Laid before Parliament	2*nd August* 1971
Coming into Operation	1*st October* 1971

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(**a**), in exercise of the powers conferred on him by that section, hereby makes the following Rules :—

1.—(1) These Rules may be cited as the Land Registration (Powers of Attorney) Rules 1971 and shall come into operation on 1st October 1971.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. The following rule shall be substituted for Rule 82 of the Land Registration Rules 1925(**c**) :—

"Instruments executed by attorney

82.—(1) If any instrument executed by an attorney is delivered at the Registry, there shall be furnished to the Registrar either the instrument creating the power of attorney, or a copy by means of which its contents may be proved under section 3 of the Powers of Attorney Act 1971(**d**) or a document which complies with section 4 of the Evidence and Powers of Attorney Act 1940(**e**).

(2) The Registrar may retain any instrument creating a power of attorney or any copy or document produced pursuant to this rule.

(3) If any transaction between the donee of a power of attorney and the person dealing with him is not completed within twelve months of the date on which the power came into operation, evidence shall be produced to the Registrar to satisfy him that the power had not been revoked at the time of the transaction.

(**a**) 1925 c. 21. (**b**) 1889 c. 63.
(**c**) S.R. & O. 1925/1093 (Rev. XII, p. 81: 1925, p. 717).
(**d**) 1971 c. 27. (**e**) 1940 c. 28.

(4) Unless the Registrar otherwise directs, the evidence that the power had not been revoked shall consist of a statutory declaration by the person dealing with the donee that, at the time of the completion of the transaction, the declarant did not know of the revocation of the power and did not know of the occurrence of any event (such as the death, bankruptcy or other incapacity of the donor) which had the effect of revoking the power:

Provided that where the power is expressed in the instrument creating it to be irrevocable and to be given by way of security, the statutory declaration shall be to the effect that, at the time of the completion of the transaction, the declarant did not know that the power was not in fact given by way of security and did not know that the power had been revoked by the donor acting with the consent of the donee."

Dated 22nd July 1971.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules, which amend the Land Registration Rules 1925 to take account of the Powers of Attorney Act 1971, prescribe new requirements in the Land Registry as to the production and proof of powers of attorney.