STATUTORY INSTRUMENTS

1986 No. 1537

LAND REGISTRATION

The Land Registration (Powers of Attorney) Rules 1986

Made - - - - -	*3rd September* 1986
Laid before Parliament	*9th September* 1986
Coming into Operation	*1st October* 1986

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. These Rules may be cited as the Land Registration (Powers of Attorney) Rules 1986 and shall come into operation on 1st October 1986.

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

"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 either section 3 of the Powers of Attorney Act 1971**(c)** or section 7(3) of the Enduring Powers of Attorney Act 1985**(d)** or a document which complies with section 4 of the Evidence and Powers of Attorney Act 1940**(e)**.

(2) If an Order pursuant to section 8 of the Enduring Powers of Attorney Act 1985 has been made with respect to a power or the donor thereof or the attorney appointed thereunder the order or an office copy or copy certified pursuant to rule 309 shall be furnished to the registrar.

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

(4) 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which the power came into operation, evidence shall be produced to the registrar to satisfy him that the power had not been revoked at the time of the transaction.

(5) When the power was in a form prescribed under section 2(2) of the Enduring Powers of Attorney Act 1985 the evidence that the power had not been revoked shall, unless the registrar otherwise directs, consist of a statutory declaration by the person dealing with the donee of the power that he did not, at the time of the completion of the transaction:

(a) 1925 c. 21.
(b) S.R. & O. 1925/1093.
(c) 1971 c. 27. **(d)** 1985 c. 29. **(e)** 1940 c. 28.

(*a*) know of any revocation of the power whether by the donor or by an Order of the Court of Protection

(*b*) know of the occurrence of any event (such as the death of the donor or the bankruptcy of the donor or of any donee or a direction by the Court of Protection on exercising its powers under Part VII of the Mental Health Act 1983**(a)**) which had the effect of revoking the power

(*c*) know that the power was not a valid enduring power of attorney and had been revoked by the donor's mental incapacity.

(6) In any case to which paragraph (5) above does not apply the evidence that the power has not been revoked shall, unless the registrar otherwise directs, consist of a statutory declaration by the person dealing with the donee that he did not, at the time of the completion of the transaction:

(*a*) know of any revocation of the power

(*b*) 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 was 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 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."

3. The Land Registration (Powers of Attorney) Rules 1971**(b)** are hereby revoked.

Hailsham of St Marylebone, C.

Dated 3rd September 1986.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules, which amend the Land Registration Rules 1925, take account of the new enduring form of power of attorney permitted under the Enduring Powers of Attorney Act 1985. They prescribe requirements as to the evidence to be produced to the Chief Land Registrar on the registration of any transaction where these powers have been used. They revoke and re-make with consequential minor amendments the provisions of the Land Registration (Powers of Attorney) Rules 1971 dealing with other powers of attorney.

(a) 1983 c. 20. **(b)** S.I. 1971/1197.

SI 1986/1537
ISBN 0-11-067537-1

