

LAWS OF GUYANA

POWERS OF ATTORNEY ACT

CHAPTER 5:08

Act
16 of 1932

Current Authorised Pages

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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 5:08
POWERS OF ATTORNEY ACT
ARRANGEMENT OF SECTIONS

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c. 257
 1953 Ed.
 c. 33

16 of 1932

**An Act to make provision with respect to the recording of
 Powers of Attorney, their effect and their revocation.**

[14th MAY, 1932]

Short title.

1. This Act may be cited as the Powers of Attorney Act.

Interpretation.

2. In this Act –

“property” includes immovable and movable property, and any debt, and any thing in action, and any

other right or interest in the nature of property, whether in possession or not;

“purchaser” includes a lessee or mortgagee, or an intending purchaser, lessee or mortgagee, or other person, who, for valuable consideration, takes or deals for property, and “purchase” has a meaning corresponding with that of purchaser.

Power of attorney to be recorded.

3. A power of attorney (other than a power *ad lites* or a special power providing for the passing of a transport, or for the execution or assignment of a particular mortgage or lease or for the cancellation of a mortgage, or a power providing for the obtaining or recording of probate or letters of administration and for no other purpose) whether made within or without the limits of Guyana, shall be proved and filed as of record or proved and recorded in the Deeds Registry, and an act done in pursuance of such a power shall not be valid, and such a power shall not be admitted in evidence in any suit, action or other proceeding unless the same be proved and filed as of record, or proved and recorded, in the Deeds Registry.

Execution under power of attorney.

4. (1) The donee of a power of attorney may, if he thinks fit, execute or do any assurance, instrument, or thing in and with his own name and signature, and under his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument, and thing so executed and done shall be as effectual in law, to all intents, as if it had been executed or done by the donee of the power in the name and with the signature and seal of the donor thereof.

(2) This section applies to powers of attorney created by instruments executed either before or after the commencement of this Act.

Payment by attorney under

5. (1) Any person making any payment or doing any act, in good faith, in pursuance of a power of attorney, shall

power without
notice of death,
etc.

not be 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 insolvent, or had revoked the power, if the fact of death, disability, insolvency or revocation was not at the time of the payment or act known to the person making or doing the same.

(2) A statutory declaration by an attorney to the effect that he has not received any notice or information of the revocation of such power of attorney by death or otherwise shall, if made immediately before or within three months after any such payment or act as aforesaid, be taken to be conclusive proof of such non-revocation at the time when such payment or act was made or done. Where the donee of the power of attorney is a corporation aggregate, the officer appointed to act for the corporation in the execution of the power may make the statutory declaration in like manner as if that officer had been the donee of the power. Where probate or letters of administration have been granted to any person, as attorney for some other person, this section applies as if the payment made or acts done under the grant had been made or done under a power of attorney.

(3) This section does not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

(4) This section applies to payments and acts made and done before or after the commencement of this Act.

Effect of
irrevocable
power of
attorney for
value.

6. If a power of attorney given for valuable consideration is in the instrument creating the power expressed to be irrevocable, then in favour of a purchaser –

- (a) the power shall not be revoked at any time either by anything done by the donor of the power without the

concurrence of the donee of the power, or by the death, disability or insolvency of the donor of the power; and

- (b) any act done at any time by the donee of the power in pursuance of the power shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, disability or insolvency of the donor of the power, had not been done or happened ; and
- (c) neither the donee of the power nor the purchaser shall at any time be prejudicially affected by notice of anything done by the donor of the power without the concurrence of the donee of the power, or of the death, disability or insolvency of the donor of the power.

Effect of power of attorney irrevocable for a fixed time.

7. If a power of attorney, whether given for valuable consideration or not is in the instrument creating the power expressed to be irrevocable for a fixed time therein specified, not exceeding one year from the date of the instrument, then in favour of a purchaser –

- (a) the power shall not be revoked for and during that fixed time either by anything done by the donor of the power without the concurrence of the donee of the power, or by the death, disability or insolvency of the donor of the power; and
- (b) any act done within that fixed time by

the donee of the power in pursuance of the power shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, disability or insolvency of the donor of the power, had not been done or happened ; and

- (c) neither the donee of the power, nor the purchaser, shall at any time be prejudicially affected by notice either during or after that fixed time of anything done by the donor of the power during the fixed time without the concurrence of the donee of the power, or of the death, disability, or insolvency of the donor of the power, within that fixed time.

Devolution of power of attorney given to a purchaser.

8. A power of attorney given for valuable consideration may be given to a purchaser of property or any interest therein, and to the persons deriving title under him thereto, and those persons shall be the duly constituted attorneys for all the purposes of the power, but without prejudice to any right to appoint substitutes given by the power.

Power of attorney granted by married woman

9. A married woman has power, as if she were unmarried and of full age, by deed to appoint an attorney on her behalf for the purpose of executing any deed or doing any other act which she might herself execute or do, and the provisions of this Act relating to instruments creating powers of attorney apply thereto.

Duration of recorded power.

10. A power of attorney, not falling within the provisions of sections 5 and 6 hereof, heretofore or hereafter recorded in the Deeds Registry, shall, unless a contrary intention appears therein, continue in force until the

revocation thereof by the principal shall be recorded or an entry is made thereon as hereinafter provided; and every act, deed or instrument of the attorney after revocation and before the revocation is recorded or an entry is made shall be valid in favour of any person *bona fide* and without notice of revocation dealing with the attorney in the name of the principal.

Revocation of
power.

11. A power of attorney may be revoked by the filing as of record or the recording in the Deeds Registry of a deed or other instrument revoking the same, or by an entry in writing under the hand of the Registrar or the Deputy Registrar on a power recorded in the Registry of the death, lunacy, unsoundness of mind or insolvency of the principal, upon evidence by statutory declaration sufficient to satisfy the Registrar or Deputy Registrar of such death or disability.
