

THE POWERS OF ATTORNEY ACT, 1882
(ACT NO. VII OF 1882)

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THE POWERS OF ATTORNEY ACT, 1882

¹(ACT NO. VII OF 1882)

[24th February, 1882]

An Act to amend the law relating to Powers-of-Attorney

For the purpose of amending the law relating to Power-of-Attorney ; It is hereby enacted as follows:-

1. This Act may be called the Powers-of-Attorney Act, 1882. Short title.

²[It extends to the whole of Pakistan]; Local extent.

and it shall come into force on the first day of May 1882. Commence ment.

2. 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 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 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. Execution under power-of-at torney.

This section applies to powers-of-attorney created by instruments executed either before or after this Act comes into force.

3. Any person making or doing any payment or act in good faith, in pursuance of a power-of-attorney, shall 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 lunatic, of unsound mind, or bankrupt, or insolvent, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, insolvency or revocation was not, at the time of the payment or act, known to the person making or doing the same. Payment by attorney under power, without notice of death, etc., good.

But this section shall 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.

¹ For Statement of Objects and Reasons, see Gazette of India, 1881, Pt. V, P. 1473; for Proceedings in Council, see *ibid.*, 1881, Supplement, p. 1409, and *ibid.*, 1882, Supplement, p. 204.

² Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "It applies to [all the Provinces and the Capital of the Federation]". The words in crotchets were subs. by A.O., 1949, Arts. 3 (2) and 4, for "the whole of British India."

This section applies only to payments and acts made or done after this Act comes into force.

¹[3A. The name of the donee shall be specified in the power of attorney authorizing the grantee to make a gift of immovable property.] Name of donee to be specified.-

4. (a) An instrument creating a power-of-attorney, its execution being verified by affidavit, statutory declaration *or* other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the High Court within the local limits of whose jurisdiction the instrument may be. Deposit of original instruments creating powers-of-attorney.

(b) A separate file of instruments so deposited shall be kept; and any person may search that file, and inspect every instrument so deposited; and a certified copy thereof shall be delivered out to him on request.

(c) A copy of an instrument so deposited may be presented at the office and may be stamped or marked as a certified copy, and, when so stamped or marked, shall become and be a certified copy.

(d) A certified copy of an instrument so deposited shall, without further proof, be sufficient evidence of the contents of the instrument and of the deposit thereof in the High Court.

(e) The High Court may, from time to time, make rules for the purposes of this section, and prescribing, with the concurrence of the ²[Provincial Government], the fees to be taken under clauses (a), (b), and (c).

³[* * * * *]

(g) This section applies to instruments creating powers-of-attorney executed either before or after this Act comes into force.

¹ Inserted vide Khyber Pakhtunkhwa Act No. XI of 2019.

² Subs. by A.O., 1937, for "L.G."

³ Cl. (f) rep. by the Lower Burma Courts Act, 1900 (6 of 1900), s. 48 and Sch. II.

5. A married woman, whether a minor or not, shall, by virtue of this Act, have power, as if she were unmarried and of full age, by a non-testamentary instrument, to appoint an attorney on her behalf, for the purpose of executing any non-testamentary instrument 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, shall apply thereto. Power-of-attorney of married women.

¹[This section shall not apply to a Muslim married woman.]

6. *Rep. by the Amending Act, 1891 (XII of 1891).*

[Act XXVIII of 1866, s.39, repealed.]

¹ Substituted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVII of 1981)