

THE POWER-OF-ATTORNEY ACT, 1882
(VII of 1882)

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TEXT

¹THE POWERS-OF-ATTORNEY ACT, 1882
(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 Powers-of-Attorney; it is hereby enacted as follows:—

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

Local extent, ²[(2) It extends to whole of the Punjab].

Commencement, (3) It shall come into force at once.

2. Execution under power-of-attorney.— 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.

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

3. Payment by attorney under power, without notice of death, etc., good.— 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.

But this section shall not affect any right against the payee of any person interested in any money so paid; and that persons 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.

¹For 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.

This Act was originally in the Federal ambit, however, the subject on which this law was enacted, devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Powers of Attorney (Amendment) Act 2012 (IV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40195-40196.

²“It extends to the whole of Pakistan” is substituted as “It extends to whole of the Punjab” by the Powers of Attorney (Amendment) Act 2012 (IV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40195-40196, s.2.

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

³[4. *Deposit of original instruments creating powers-of-attorney.*— * * * * *]

⁴[5. *Power-of-attorney of married women.*— * * * * *]

⁵[6. *Act XXVIII of 1866, S. 39, repealed.*— * * * * *]

³Sections 4 omitted by the Powers of Attorney (Amendment) Act 2012 (IV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40195-40196, s.3.

⁴Omitted *ibid.*, s.3.

⁵Repealed by the Amending Act, 1891 (XII of 1891); and published in the Government Gazette Punjab and Its Dependencies, Part IV, dated 9.4.1891, pages 21-67, s.2 and First Schedule.