
STATUTORY INSTRUMENTS

1987 No. 1627

**The Enduring Powers of Attorney
(Northern Ireland) Order 1987**

Supplementary

Application to joint and joint and several attorneys

13.—(1) An instrument which appoints more than one person to be an attorney cannot create an enduring power unless the attorneys are appointed to act jointly or jointly and severally.

(2) This Order, in its application to joint attorneys, applies to them collectively as it applies to a single attorney but subject to the modifications specified in part I of Schedule 3.

(3) This Order, in its application to joint and several attorneys, applies with the modifications specified in paragraphs (4) to (7) and in part II of Schedule 3.

(4) A failure, as respects any one attorney, to comply with the requirements for the creation of enduring powers, shall prevent the instrument from creating such a power in his case without however affecting its efficacy for that purpose as respects the other or others or its efficacy in his case for the purpose of creating a power of attorney which is not an enduring power.

(5) Where one or more but not both or all the attorneys makes or joins in making an application for registration of the instrument then—

- (a) an attorney who is not an applicant as well as one who is may act pending the initial determination of the application as provided in Article 3(2) (or under Article 7);
- (b) notice of the application shall also be given under Schedule 1 to the other attorney or attorneys; and
- (c) objection may validly be taken to the registration on a ground relating to an attorney or to the power of an attorney who is not an applicant as well as to one or the power of one who is an applicant.

(6) The court shall not refuse under Article 8(6) to register an instrument because a ground of objection to an attorney or power is established if an enduring power subsists as respects some attorney who is not affected thereby but shall give effect to it by the prescribed qualification of the registration.

(7) The court shall not cancel the registration of an instrument under Article 10(4) for any of the causes vitiating registration specified in that paragraph if an enduring power subsists as respects some attorney who is not affected thereby but shall give effect to it by the prescribed qualification of the registration.

(8) In this Article—

“prescribed” means prescribed by rules of court; and

“the requirements for the creation of enduring powers” means the provisions of Article 4 other than paragraphs (9) to (11) and of regulations under paragraph (2) of that Article.