



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART IV

MISCELLANEOUS REFORMS

Powers of attorney

71 Effect of mental incapacity on powers of attorney etc

- (1) Any rule of law by which a faculty and commission or power of attorney ceases to have effect in the event of the mental incapacity of the granter shall not apply to a faculty and commission or power of attorney granted on or after the date on which this section comes into force.
- (2) In subsection (1) above, “mental incapacity” means, in relation to a person, that he is incapable of managing his property and affairs by reason of mental disorder within the meaning of section 1 of the Mental Health (Scotland) Act 1984.