

POWER OF ATTORNEY ACT

[RSBC 1996] CHAPTER 370

Part 1 — Agency and Other Matters

Definitions

1 In this Part:

"agent" includes an attorney acting under a power of attorney;

"knowledge" includes knowledge of circumstances that would put a reasonable person on inquiry;

"terminated", when used with reference to the status of an agent's authority, means that the authority has been terminated by revocation, or by operation of law or both.

Application

2 (0.1) This Part does not apply to an enduring power of attorney under Part 2.

(1) Sections 3 and 4 do not apply to agency relationships that

(a) are created by section 7 of the *Partnership Act*, or

(b) arise under common law out of the relationship of partners to a firm and to each other.

(2) For the purposes of this Act, if a person has knowledge of the occurrence of an event that has the effect of terminating the authority of an agent, that person is deemed to have knowledge of the termination of the authority.

Liability of agent

3 If an agent purports to act on behalf of a principal at a time when the agent's authority to do so has been terminated and

(a) the act is within the scope of the agent's former authority, and

(b) the agent has no knowledge of the termination,

then, for the purpose of determining the liability of the agent for the act, the agent is deemed to have had the authority to so act.

Effect of termination

4 (1) If

- (a) the authority of an agent has been terminated, and
- (b) a person who has no knowledge of the termination purports to deal with the principal through the agent,

then, for the purpose of determining the legal rights and obligations of the principal in relation to that person, the transaction is, in favour of that person, deemed to be as valid as if the authority had existed.

(2) Despite subsection (1), if the principal has

- (a) by express revocation terminated the authority of an agent, and
- (b) given notice of the termination to the agent,

the liability of the principal to any person for the subsequent acts of the agent must be determined without regard to this Act.

(3) If the authority of an agent to act on behalf of the agent's principal has been terminated, but

- (a) the agent purporting to act for the principal enters into a transaction with a person (called in this section "the intermediate party"),
- (b) the rights of another person (called in this section "the stranger") are dependent on the validity of the transaction entered into by the agent with the intermediate party, and
- (c) the stranger had, at the material time, no knowledge of the termination of the authority of the agent,

then, for the purpose of determining the legal rights and obligations of the principal in relation to the stranger, the intermediate party is conclusively deemed to have had no knowledge of the termination.

Representation grant issued to attorney

5 If a representation grant, within the meaning of the *Wills, Estates and Succession Act*, has been issued to a person as attorney for some other person, sections 1 to 4 apply as if the payments made or acts done under the representation grant had been made or done under a power of attorney of which that other person was the donor.

Corporation may appoint attorney

6 (1) A corporation within the legislative jurisdiction of the Legislature may, by instrument in writing under its corporate seal, empower a person, in respect of a specified matter or purpose, as its attorney, to execute deeds or documents on its behalf.

(2) An instrument executed by an attorney on behalf of the corporation is, if it comes within the scope of the attorney's authority, binding on the corporation and of the same effect as if it had been executed by the corporation.

Deeds

7 A deed executed by an attorney under the seal of the attorney on behalf of a donor, whether an individual or corporation,

(a) is binding on the donor if it comes within the scope of the attorney's authority, and

(b) is of the same effect as if it were under the seal of the donor.

Repealed

8 [Repealed 2007-34-37.]

Short form

9 (1) A general power of attorney may be in Form 1 or Form 2 of the Schedule.

(2) A general power of attorney, in Form 1, confers authority on the attorney and in Form 2 confers authority on more than one attorney acting separately or acting together, as the case may be, to do on behalf of the donor anything that the donor can lawfully do by an attorney, subject to the conditions and restrictions, if any, that are contained in the power of attorney.

(3) This section applies to a power of attorney made before, on or after October 14, 1987.