

## CUSTOMER INFORMATION

## BULLETIN



No. 5, May 19th, 1988

POWERS OF ATTORNEY

Powers of Attorney, which grant powers to a donee to deal with real estate in Western Australia, can be open to misinterpretation if the powers created are not expressed in specific terms.


To avoid this difficulty I recommend that a power of attorney form (P1), in accordance with the 19th Schedule of the Transfer of Land Act, be used and registered in this office.

If practitioners are unable to use the printed form, I suggest that they include the paragraph setting out the powers in the 19th schedule, as a paragraph in their own form.

If a power of attorney, not in the form of the 19th Schedule (P1), is to be used, it should be specific when conferring powers dealing with real property, especially in the following points :

1. The Power must specifically refer to real estate.
2. If executed outside Western Australia, it must expressly or by necessary implication, refer to real property in Western Australia.
3. It must be clear in the terms as to the powers granted in respect of real estate. If power is given to sign a document such as a transfer or mortgage, even if there is no power to sell or mortgage, then a transfer or mortgage executed in accordance with that power can be registered.

If these requirements have not been included in the terms of the Power of Attorney, then that Power will not be registered.

  
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