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## Revocation of Powers of Attorney

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There are a number of ways in which a power of attorney for property or for personal care can cease to be effective. Some of them are more obvious than others and some care must be taken to ensure that powers of attorney are not revoked unintentionally, or that an intentional revocation will be effective.

The relevant legislative provisions are located in the Substitute Decisions Act, 1992 (the "SDA"). On the personal care side, section 53 addresses the scenarios under which an attorney's authority to act will come to an end. Section 12 addresses continuing powers of attorney for property.

A power of attorney will cease to be effective when the attorney dies or when he or she becomes incapable of managing property (or personal care, as the case may be). It will also stop being effective when the attorney named in the document resigns. For a resignation to be effective, notice must be given to certain people under sections 11 and 52 of the SDA. The document itself may provide for a substitute attorney, in which case it will survive. Further, if there are multiple attorneys appointed jointly, the others may continue to act (unless the document specifies otherwise).

When a new power of attorney for property is executed, all corresponding prior ones are revoked automatically, unless the new document states that there are meant to be multiple powers of attorney operating concurrently. The same applies to personal care. When executing a power of attorney for a temporary or limited purpose that is not meant to revoke existing documents, this must be kept in mind and the power of attorney should be clear and specific about this point.

When a court appoints a guardian, either for property or for personal care, the SDA provides that the corresponding power of attorney is terminated.

Even if an attorney conducts transactions on a power of attorney for property that has since been revoked, subsequent uses of the power of attorney are still valid, so long as they were carried out in good faith and without knowledge that the power of attorney had been terminated.

Accordingly, when a new document is executed, it is important to notify the former attorney that his or her authority under the old document has been terminated.