



Power of Attorney

# Power of Attorney In Nigeria

Power of Attorney in Nigeria is a legal document that allows an individual to delegate their authority to another person who can make decisions and carry out actions on their behalf. The individual granting the power is known as the “Principal”, while the person receiving the power is known as the “Attorney”. Similarly, the person who donates the power is called the ‘Donor’ (Principal) while the person to whom the power is donated is called the ‘Donee’ (Attorney).

There are two main types of power of attorney in Nigeria: general and special. A general power of attorney gives the attorney broad authority to act on the principal's behalf in all matters. A special power of attorney, on the other hand, is more limited and only authorizes the attorney to perform specific acts or tasks.

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## **Features of a Power of Attorney:**

1. It is a document of delegation only, specifying the powers which the attorney can exercise on behalf of the principal.
2. As long as the attorney acts within the scope of the power of attorney, they incur no personal liability; any liability occasioned is that of the principal.
3. A power of attorney could be for valuable consideration or coupled with interest and could also be for a fixed period of time.
4. It is not an instrument of conveyance, but it could be a vehicle for transferring or alienating an interest in land if executed within the scope

of the laws regulating such transactions (See Sections 46(1) Conveyancing Act, 141(1) Property and Conveyancing Law, and 47(1) Conveyancing Act).

## **Circumstances requiring a Power of Attorney:**

1. Unavailability of the principal due to physical impairment or absence. See *Ezeigwe v Awudu* (2008) 11 NWLR (PT. 1097) 158; *Chime v Chime* (2001) 3 NWLR (pt. 701) 527;.
2. The need to involve an expert, such as a lawyer, due to their knowledge of the law.
3. Empowering the attorney to execute a deed or transfer interest in land.

4. Securing a purchaser's interest pending the perfection of their title.

5. Requirement under legislation, which requires a power of attorney to be produced to the registrar of title for inspection.

6. The need to register a power of attorney under legislation, such as Section 2 of the Land Instrument Registration Law of Lagos State 2014, which requires "a power of attorney under which any instrument may be executed" to be registered.

In Nigeria, a power of attorney must be executed before a notary public to be considered legally binding. Additionally, the document should clearly state the date of execution and the purpose for which the power of attorney is being granted.

For example, a person traveling abroad for an extended period of time may grant a power of attorney to their spouse to handle their financial affairs in their absence or, a parent may grant a power of attorney to their adult child to make medical decisions on their behalf if they become incapacitated.

It is important to note that a power of attorney must be executed with utmost care, as the attorney has the authority to make decisions that can have significant legal and financial implications for the principal. The principal should only grant a power of attorney to someone they trust completely, and the document should be clear about the extent of the attorney's authority.

In conclusion, a power of attorney can be a useful tool for individuals who need to delegate their authority to another person, whether it is for a short period of time or an extended time period. However, it is important to understand the consequences of granting a power of attorney and to carefully consider who to grant it to. By following the proper steps and executing the document correctly, a power of attorney can provide peace of mind and help ensure that the principal's affairs are handled in accordance with their wishes.

Do you require a Power of Attorney, why not [contact us](#) today.

