REGISTRAR'S CIRCULAR NO. 13/49

Powers of Attorney *

Attention is drawn to the provisions of the Powers of Attorney Ordinance, 1949, (hereinafter referred to as the Ordinance) published as Notification No.4088 in the Federal Gazette dated the 10th December, 1949, and to the Powers of Attorney (Fees) Rules, 1949, (hereinafter referred to as the Rules) published as L.N.607 in the Legislative Supplement to the Federal Gazette dated the 10th December, 1949.

S.4. 2. A true copy of any instrument purporting to create a Power of Attorney or, where the original instrument is deposited in the Registry of the Supreme Court in Singapore, an office copy of such instrument has to be deposited in the Office of an Assistant Registrar (hereinafter referred to as a Local Registry). When a true or office copy of such a document is deposited in a Local Registry the following action will be taken by the Assistant Registrar:-

S.9. (a) A separate file containing such copy and all subsequent copies deposited in order of date of deposit will be kept and each such copy will be numbered consecutively with a serial number allotted to it.

S.9. (b) In addition to this separate file of documents there shall be entered in a Register kept for that purpose short particulars of each such document. This Register will consist of a loose-leaf binder in which forms containing such short particulars will be filed in alphabetical order under the name of the Donor of the power (an example of the type of form to be used is attached hereto and marked "A"). This form will be completed in duplicate with the short particulars as provided for in the form and both copies will be signed by the Assistant Registrar in verification of the entries therein. One copy will then be filed in the Register kept in the Local Registry and the other copy S.13. will be forthwith transmitted to the Federal Registry, Supreme Court, Kuala Lumpur, (hereinafter referred to as the Central Registry) for filing in the Register in the Central Registry.

3. In addition short particulars of any subsequent revocation or other determination of a Power of Attorney, of which an Assistant Registrar shall have had notice, shall be entered in the Register referred to in para 2(b) above. When an Assistant Registrar has had such notice he will take the following action:-

(a) The document giving notice of such revocation or determination will be filed in

similar manner to the true or office copy of the Power and will be numbered consecutively with a serial number allotted to it.

(b) A cyclostyled memorandum in the form attached hereto and marked "B" will then be completed in duplicate and both copies will be signed by the Assistant Registrar in verification of the entries therein, and one copy will be filed in a separate file kept for the purpose in the Local Registry and the other copy will be forwarded by the Assistant Registrar to the Central Registry for entry of the particulars in the Register at the Central Registry.

(c) Short particulars of such revocation or determination will then be entered in the Register in the Local Registry where provided for in the bottom half of the form "A" relating to the Power of Attorney concerned and will be signed by the Assistant Registrar in verification of the entries therein.

4. The effect will be that the Local Registry will have:-

(a) the true or office copies of the Powers of Attorney filed in the order of the date of deposit and in serial number.

(b) a Register containing the short particulars of each such document filed in alphabetical order.

(c) a file of documents giving notice of the revocation or other determination of Powers filed in the order of the date of deposit and in serial number.

(d) a file containing the memoranda by which particulars of revocation were forwarded to the Central Registry in the order of the date of deposit.

(e) particulars of the revocation at the bottom of the appropriate form "A" in the Register.

5. The Central Registry will have a Register containing a list of all the Powers of Attorney which have been deposited in any Local Registry in alphabetical order, together with particulars of any revocations thereof.

6. The following points should be noted:-

(a) The Register and the file of documents to be kept under the provisions of section 9 of the Ordinance only refer to "documents deposited in accordance with section 4 of this Ordinance" and "any subsequent revocation or other determination thereof". That is to say, that this Register only deals with copies of Powers of Attorney deposited after the coming into force of the Ordinance and the revocation or other determination of such Powers of Attorney, and does not in any way refer to the revocation or other determination of Powers of Attorney which have been deposited prior to the coming into force of the Ordinance. In other words, when a document purports to revoke or otherwise determine a Power of Attorney which has been registered prior to the coming into force of the Ordinance under the provisions then in force, the procedure will be the same as that prior to the Ordinance coming into force and the above instructions will not apply.

office copy of the power has been deposited (see section 5 of the Ordinance).

(c) On payment of the prescribed fee any person may, during office hours, search both the Register and the file of documents in the Local Registry and may inspect any document deposited (see section 9 of the Ordinance).

(d) The serial numbers of the true or office copies of the Power will not be the same as the serial numbers of the documents giving notice of revocation. Each will have their own series of numbers and in order to find the next number in the series reference will merely have to be made to the file of the copies of the powers or the file of the documents constituting the notices of revocation as the case may be.

(e) Serial numbers will commence from 1 on the 1st January each year, and will be entered as 1/50 (for 1950) and so on. To avoid confusion between revocations filed in respect of powers deposited prior to the Ordinance coming into force and those filed in respect of powers deposited under the Ordinance; revocations filed in respect of powers deposited prior to the Ordinance coming into force should be numbered commencing with 1001 on the 1st January each year, being entered as 1001/50 (for 1950) and so on.

(f) On the 1st January each year new files of documents and memoranda and a new loose-leaf binder will be started.

7. The question of filing documents alphabetically under names is, in this country, one of considerable difficulty. The names of the Donor and the Attorney will appear in full in the power and must be entered in full in the forms, except in the case of Chettiars where the vilasams can be entered by initials. The following instructions are given for general guidance on this subject:-

(a) Europeans: The surname will be used.

e.g. Thomas Ruthven Hepworth will be entered as Hepworth, Thomas Ruthven.

(b) Chinese: The "seh" will be used.

e.g. Lee Ngee Yoon will be entered as Lee Ngee Yoon.

(c) Malays: Where there are two or more names the second name will be used.

e.g. Mat bin Mat will be entered as Mat bin Mat.

Abdul Karim bin Mat will be entered as Karim, Abdul, bin Mat.

Raja Haji Zainal Abidin bin Raja Mat will be entered as Abidin, Raja Haji Zainal, bin Raja Mat.

(d) Indians: The personal name will be used.

Sarwan Singh Gill will be entered as Sarwan Singh Gill

Rengasamy Vartharjoo Naidu will be entered as Vartharjoo Naidu, Rengasamy.

Patamadai Ramaswami Venkateswaran Iyer will be entered as Venkateswaran Iyer, Patamadai Ramaswami.

Parameshwaran Kesava Menon will be entered as Kesava Menon, Parameshwaran.

O.R.M.M.S.P.S.V. Mayappa Chettiar will be entered as Mayappa Chettiar, O.R.M.M.S.P.S.V.

8. The Rules are quite straight-forward. The fees payable under the Rules supersede all fees previously payable in similar circumstances. It should be noted that the fees under Rules 3 to 7 inclusive are to be paid by stamps on praecipe. When a fee is paid for depositing, searching any register for, furnishing information in respect of, or for an office copy or certified copy of, any document, the praecipe chop will be placed on that document.

9. Forms "A" and "B" and the loose-leaf binders will be supplied by this Registry. The binders are designed to hold 200 of form "A", and it is emphasised that they must be used as binders for the Powers of Attorney forms and for no other purpose.

10. Any points requiring clarification will please be notified to this Registry immediately.

T.R. Hepworth
a/REGISTRAR.

The Federal Registry, Supreme Court,
Federation of Malaya,
P.O. Box 1060.
Kuala Lumpur, 22nd December, 1949.
(RSC. 251/49) (TRH/AJS)

DISTRIBUTION: All Assistant Registrars, Supreme Court.
Copies to all Judges (for information).