

**Author:** Albert Pielak

**Title:** Pełnomocnictwo opiekuńcze w systemie prawnym Anglii i Walii / Enduring Power of Attorney and Lasting Power of Attorney in England and Wales

**Source:** Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

Year: 2023, vol.: XXXII, number 4 pages: 617-653

**Keywords:** power of attorney, proxy, agency, representation, mental capacity

**Discipline:** Law (Civil Law)

**Language:** Polish

**Document type:** Article

**Publication order reference:** University of Warsaw [[a.pielak@wpia.uw.edu.pl](mailto:a.pielak@wpia.uw.edu.pl)]

**Abstract:**

The article describes the lasting power of attorney in the Anglo-Welsh legal system since 2005 with reference to the derogated enduring power of attorney and the main principles of the Mental Capacity Act 2005. Attention is drawn to various new elements of the legal construction for lasting power of attorney with regard to common law. The elements that provoke disputes in doctrine and jurisprudence (such as the concept of acting in the best interests of the principal) are also discussed. The final section of the article provides an assessment of the regulation.