



Trustee Delegation Act 1999

1999 CHAPTER 15

Miscellaneous provisions about attorney acting for trustee

7 Two-trustee rules.

- (1) A requirement imposed by an enactment—
- (a) that capital money be paid to, or dealt with as directed by, at least two trustees or that a valid receipt for capital money be given otherwise than by a sole trustee, or
 - (b) that, in order for an interest or power to be overreached, a conveyance or deed be executed by at least two trustees,
- is not satisfied by money being paid to or dealt with as directed by, or a receipt for money being given by, a relevant attorney or by a conveyance or deed being executed by such an attorney.
- (2) In this section “relevant attorney” means a person (other than a trust corporation within the meaning of the Trustee Act 1925) who is acting either—
- (a) both as a trustee and as attorney for one or more other trustees, or
 - (b) as attorney for two or more trustees,
- and who is not acting together with any other person or persons.
- (3) This section applies whether a relevant attorney is acting under a power created before or after the commencement of this Act (but in the case of such an attorney acting under an enduring power created before that commencement is without prejudice to any continuing application of section 3(3) of the Enduring Powers of Attorney Act 1985 to the enduring power after that commencement ^{F1}...).

Textual Amendments

- F1** Words in s. 7(3) repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), [Sch. 7](#) (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

Changes to legislation: There are currently no known outstanding effects for the Trustee Delegation Act 1999, Cross Heading: Miscellaneous provisions about attorney acting for trustee. (See end of Document for details)

8 Appointment of additional trustee by attorney.

- (1) In section 36 of the Trustee Act 1925 (appointment of trustees), after subsection (6) (additional trustees) insert—

“(6A) A person who is either—

- (a) both a trustee and attorney for the other trustee (if one other), or for both of the other trustees (if two others), under a registered power; or
- (b) attorney under a registered power for the trustee (if one) or for both or each of the trustees (if two or three),

may, if subsection (6B) of this section is satisfied in relation to him, make an appointment under subsection (6)(b) of this section on behalf of the trustee or trustees.

- (6B) This subsection is satisfied in relation to an attorney under a registered power for one or more trustees if (as attorney under the power)—

- (a) he intends to exercise any function of the trustee or trustees by virtue of section 1(1) of the Trustee Delegation Act 1999; or
- (b) he intends to exercise any function of the trustee or trustees in relation to any land, capital proceeds of a conveyance of land or income from land by virtue of its delegation to him under section 25 of this Act or the instrument (if any) creating the trust.

- (6C) In subsections (6A) and (6B) of this section “registered power” means a power of attorney created by an instrument which is for the time being registered under section 6 of the ^{M1}Enduring Powers of Attorney Act 1985.

- (6D) Subsection (6A) of this section—

- (a) applies only if and so far as a contrary intention is not expressed in the instrument creating the power of attorney (or, where more than one, any of them) or the instrument (if any) creating the trust; and
- (b) has effect subject to the terms of those instruments.”

- (2) The amendment made by subsection (1) above has effect only where the power, or (where more than one) each of them, is created after the commencement of this Act.

Marginal Citations

M1 1985 c.29.

9 Attorney acting for incapable trustee.

- (1) In section 22 of the ^{M2}Law of Property Act 1925 (requirement, before dealing with legal estate vested in trustee who is incapable by reason of mental disorder, to appoint new trustee or discharge incapable trustee), after subsection (2) insert—

“(3) Subsection (2) of this section does not prevent a legal estate being dealt with without the appointment of a new trustee, or the discharge of the incapable trustee, at a time when the donee of an enduring power (within the meaning of the Enduring Powers of Attorney Act 1985) is entitled to act for the incapable trustee in the dealing.”

Changes to legislation: There are currently no known outstanding effects for the Trustee Delegation Act 1999,
Cross Heading: Miscellaneous provisions about attorney acting for trustee. (See end of Document for details)

- (2) The amendment made by subsection (1) above has effect whether the enduring power was created before or after the commencement of this Act.

Marginal Citations

M2 [1925 c.20.](#)

Changes to legislation:

There are currently no known outstanding effects for the Trustee Delegation Act 1999, Cross
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