



Trustee Delegation Act 1999

1999 CHAPTER 15

Miscellaneous provisions about attorney acting for trustee

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.”

Changes to legislation: There are currently no known outstanding effects for the Trustee Delegation Act 1999, Section 8. (See end of Document for details)

- (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.

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Marginal Citations

M1 [1985 c.29](#).

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