



Perpetuities and Accumulations Act 2009

2009 CHAPTER 18

Perpetuities: miscellaneous

11 Powers of appointment

- (1) Subsection (2) applies to a power of appointment exercisable otherwise than by will (whether or not it is also exercisable by will).
- (2) For the purposes of the rule against perpetuities the power is a special power unless—
 - (a) the instrument creating it expresses it to be exercisable by one person only, and
 - (b) at all times during its currency when that person is of full age and capacity it could be exercised by that person so as immediately to transfer to that person the whole of the interest governed by the power without the consent of any other person or compliance with any other condition (ignoring a formal condition relating only to the mode of exercise of the power).
- (3) Subsection (4) applies to a power of appointment exercisable by will (whether or not it is also exercisable otherwise than by will).
- (4) For the purposes of the rule against perpetuities the power is a special power unless—
 - (a) the instrument creating it expresses it to be exercisable by one person only, and
 - (b) that person could exercise it so as to transfer to that person's personal representatives the whole of the estate or interest to which it relates.
- (5) Subsection (6) applies to a power of appointment exercisable by will or otherwise.
- (6) If for the purposes of the rule against perpetuities the power would be a special power under one but not both of subsections (2) and (4), for the purposes of the rule it is a special power.

Commencement Information

11 S. 11 in force at 6.4.2010 by [S.I. 2010/37](#), art. 2

Changes to legislation:

There are currently no known outstanding effects for the Perpetuities and Accumulations Act 2009, Section 11.