



# Perpetuities and Accumulations Act 1964

## 1964 CHAPTER 55

### *Supplemental*

#### **15 Short title, interpretation and extent.**

(1) This Act may be cited as the Perpetuities and Accumulations Act 1964.

(2) In this Act—

“disposition” includes the conferring of a power of appointment and any other disposition of an interest in or right over property, and references to the interest disposed of shall be construed accordingly;

“in being” means living or en ventre sa mere;

“power of appointment” includes any discretionary power to transfer a beneficial interest in property without the furnishing of valuable consideration;

“will” includes a codicil;

and for the purposes of this Act a disposition contained in a will shall be deemed to be made at the death of the testator.

(3) For the purposes of this Act a person shall be treated as a member of a class if in his case all the conditions identifying a member of the class are satisfied, and shall be treated as a potential member if in his case some only of those conditions are satisfied but there is a possibility that the remainder will in time be satisfied.

(4) Nothing in this Act shall affect the operation of the rule of law rendering void for remoteness certain dispositions under which property is limited to be applied for purposes other than the benefit of any person or class of persons in cases where the property may be so applied after the end of the perpetuity period.

(5) The foregoing sections of this Act shall apply (except as provided in section 8(2) above) only in relation to instruments taking effect after the commencement of this Act, and in the case of an instrument made in the exercise of a special power of appointment shall apply only where the instrument creating the power takes effect after that commencement:

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*Changes to legislation: There are currently no known outstanding effects for the Perpetuities and Accumulations Act 1964, Section 15. (See end of Document for details)*

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Provided that section 7 above shall apply in all cases for construing the foregoing reference to a special power of appointment.

[<sup>F1</sup>(5A) The foregoing sections of this Act shall not apply in relation to an instrument taking effect on or after the day appointed under section 22(2) of the Perpetuities and Accumulations Act 2009 (commencement), but this shall not prevent those sections applying in relation to an instrument so taking effect if—

- (a) it is a will executed before that day, or
- (b) it is an instrument made in the exercise of a special power of appointment, and the instrument creating the power took effect before that day.

(5B) Subsection (5A) above shall not affect the operation of sections 4(6) and 11(2) above.]

(6) This Act shall apply in relation to a disposition made otherwise than by an instrument as if the disposition had been contained in an instrument taking effect when the disposition was made.

(7) This Act binds the Crown.

(8) Except in so far as the contrary intention appears, any enactment of the Parliament of Northern Ireland passed for purposes similar to the purposes of this Act shall bind the Crown.

(9) This Act shall not extend to Scotland or (apart from subsection (8) above) to Northern Ireland.

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**Textual Amendments**

**F1** S. 15(5A)(5B) inserted (6.4.2010) by [Perpetuities and Accumulations Act 2009 \(c. 18\)](#), ss. 16, 22(2) (with ss. 17, 18); S.I. 2010/37, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Perpetuities and Accumulations Act 1964, Section 15.