Perpetuities and Accumulations Act 2009

2009 CHAPTER 18

Application of rule against perpetuities

1 Application of the rule

(1) The rule against perpetuities applies (and applies only) as provided by this section.

(2) If an instrument limits property in trust so as to create successive estates or interests the rule applies to each of the estates or interests.

(3) If an instrument limits property in trust so as to create an estate or interest which is subject to a condition precedent and which is not one of successive estates or interests, the rule applies to the estate or interest.

(4) If an instrument limits property in trust so as to create an estate or interest subject to a condition subsequent the rule applies to—

(a) any right of re-entry exercisable if the condition is broken, or

(b) any equivalent right exercisable in the case of property other than land if the condition is broken.

(5) If an instrument which is a will limits personal property so as to create successive interests under the doctrine of executory bequests, the rule applies to each of the interests.

(6) If an instrument creates a power of appointment the rule applies to the power.

(7) For the purposes of subsection (2) an estate or interest includes an estate or interest—

(a) which arises under a right of reverter on the determination of a determinable fee simple, or

(b) which arises under a resulting trust on the determination of a determinable interest.

(8) This section has effect subject to the exceptions made by section 2 and to any exceptions made under section 3.

(9) In section 4(3) of the Law of Property Act 1925 (c. 20) (rights of entry affecting a legal estate) omit the words from “but” to the end.

Commencement Information

I1 S. 1 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 1.