



Trustee Delegation Act 1999

1999 CHAPTER 15

Attorney of trustee with beneficial interest in land

4 Enduring powers

- (1) Section 3(3) of the Enduring Powers of Attorney Act 1985 (which entitles the donee of an enduring power to exercise any of the donor's functions as trustee and to give receipt for capital money etc.) does not apply to enduring powers created after the commencement of this Act.
- (2) Section 3(3) of the Enduring Powers of Attorney Act 1985 ceases to apply to enduring powers created before the commencement of this Act—
 - (a) where subsection (3) below applies, in accordance with that subsection, and
 - (b) otherwise, at the end of the period of one year from that commencement.
- (3) Where an application for the registration of the instrument creating such an enduring power is made before the commencement of this Act, or during the period of one year from that commencement, section 3(3) of the Enduring Powers of Attorney Act 1985 ceases to apply to the power—
 - (a) if the instrument is registered pursuant to the application (whether before commencement or during or after that period), when the registration of the instrument is cancelled, and
 - (b) if the application is finally refused during or after that period, when the application is finally refused.
- (4) In subsection (3) above—
 - (a) "registration" and "registered" mean registration and registered under section 6 of the Enduring Powers of Attorney Act 1985, and
 - (b) "cancelled" means cancelled under section 8(4) of that Act.
- (5) For the purposes of subsection (3)(b) above an application is finally refused—
 - (a) if the application is withdrawn or any appeal is abandoned, when the application is withdrawn or the appeal is abandoned, and

Status: This is the original version (as it was originally enacted).

- (b) otherwise, when proceedings on the application (including any proceedings on, or in consequence of, an appeal) have been determined and any time for appealing or further appealing has expired.
- (6) Section 1 above applies to an enduring power created before the commencement of this Act from the time when (in accordance with subsections (2) to (5) above) section 3(3) of the Enduring Powers of Attorney Act 1985 ceases to apply to it.