

PERPETUITIES AND ACCUMULATIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

General

Section 17: The Crown

76. [Section 17](#) applies the provisions of the Act to the Crown. In the case of the rule against perpetuities, it applies the provisions of the Act to Crown interests subject to the rule, but does not extend the application of the rule.

Section 18: Rule as to duration not affected

77. As a general rule, a trust may not be created for a non-charitable purpose. However, a small category of non-charitable purpose trusts may be regarded as valid, such as trusts for the maintenance of gravestones. These trusts are valid only if their duration is limited. The permitted period is a period equivalent to (but distinct from) the perpetuity period.
78. The Act is concerned with the law relating to the avoidance of future interests for remoteness rather than the duration of trusts. Section 18 ensures that the period permitted for the duration of non-charitable purpose trusts is not affected by the Act. The period is a life or lives in being plus 21 years, or 21 years if there is no relevant life in being.

Section 19: Provision made otherwise than by instrument

79. [Section 19](#) corresponds to section 15(6) of the 1964 Act. The scope of the application of the rule against perpetuities and excessive accumulations under the Act is defined by reference to instruments. Typically these instruments are a trust deed or a will. However, it is possible to create a trust orally, without the use of writing. For the purposes of the Act, such a trust is treated as if it were made by written instrument.

Section 20: Interpretation

80. [Section 20](#) provides definitions for a number of terms used in the Act.

Section 21: Repeals

81. [Section 21](#) introduces the Schedule listing the repeals made by the Act. The repeals apply in relation to instruments taking effect on or after the commencement day for the Act, unless the instrument is a will executed before that day, or an instrument exercising a special power of appointment which was created by an instrument taking effect before that day (see Schedule and section 15).