



# Trusts of Land and Appointment of Trustees Act 1996

## 1996 CHAPTER 47

### PART I

#### TRUSTS OF LAND

##### *Functions of trustees of land*

#### **9 Delegation by trustees.**

- (1) The trustees of land may, by power of attorney, delegate to any beneficiary or beneficiaries of full age and beneficially entitled to an interest in possession in land subject to the trust any of their functions as trustees which relate to the land.
- (2) Where trustees purport to delegate to a person by a power of attorney under subsection (1) functions relating to any land and another person in good faith deals with him in relation to the land, he shall be presumed in favour of that other person to have been a person to whom the functions could be delegated unless that other person has knowledge at the time of the transaction that he was not such a person.

And it shall be conclusively presumed in favour of any purchaser whose interest depends on the validity of that transaction that that other person dealt in good faith and did not have such knowledge if that other person makes a statutory declaration to that effect before or within three months after the completion of the purchase.

- (3) A power of attorney under subsection (1) shall be given by all the trustees jointly and (unless expressed to be irrevocable and to be given by way of security) may be revoked by any one or more of them; and such a power is revoked by the appointment as a trustee of a person other than those by whom it is given (though not by any of those persons dying or otherwise ceasing to be a trustee).

*Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996, Section 9. (See end of Document for details)*

- (4) Where a beneficiary to whom functions are delegated by a power of attorney under subsection (1) ceases to be a person beneficially entitled to an interest in possession in land subject to the trust—
  - (a) if the functions are delegated to him alone, the power is revoked,
  - (b) if the functions are delegated to him and to other beneficiaries to be exercised by them jointly (but not separately), the power is revoked if each of the other beneficiaries ceases to be so entitled (but otherwise functions exercisable in accordance with the power are so exercisable by the remaining beneficiary or beneficiaries), and
  - (c) if the functions are delegated to him and to other beneficiaries to be exercised by them separately (or either separately or jointly), the power is revoked in so far as it relates to him.
- (5) A delegation under subsection (1) may be for any period or indefinite.
- (6) A power of attorney under subsection (1) cannot be <sup>F1</sup>an enduring power of attorney or lasting power of attorney within the meaning of the Mental Capacity Act 2005].
- (7) Beneficiaries to whom functions have been delegated under subsection (1) are, in relation to the exercise of the functions, in the same position as trustees (with the same duties and liabilities); but such beneficiaries shall not be regarded as trustees for any other purposes (including, in particular, the purposes of any enactment permitting the delegation of functions by trustees or imposing requirements relating to the payment of capital money).
- <sup>F2</sup>(8) .....
- (9) Neither this section nor the repeal by this Act of section 29 of the <sup>M1</sup>Law of Property Act 1925 (which is superseded by this section) affects the operation after the commencement of this Act of any delegation effected before that commencement.

**Textual Amendments**

**F1** Words in s. 9(6) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 42\(2\)](#) (with ss. 27-29, 62); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)

**F2** S. 9(8) repealed (1.2.2001) by [2000 c. 29, s. 40\(1\)\(3\), Sch. 2 Pt. II para. 46, Sch. 4 Pt. II](#) (with s. 35); [S.I. 2001/49, art. 2](#)

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**Marginal Citations**

**M1** [1925 c. 20.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996, Section 9.