



# Perpetuities and Accumulations Act 2009

## 2009 CHAPTER 18

### *Perpetuities: miscellaneous*

#### **8 Exclusion of class members to avoid remoteness**

- (1) This section applies if—
  - (a) it is apparent at the time an instrument takes effect or becomes apparent at a later time that (apart from this section) the inclusion of certain persons as members of a class would cause an estate or interest to be treated as void for remoteness, and
  - (b) those persons are potential members of the class or unborn persons who at birth would become members or potential members of the class.
- (2) From the time it is or becomes so apparent those persons must be treated for all the purposes of the instrument as excluded from the class unless their exclusion would exhaust the class.
- (3) If this section applies in relation to an estate or interest to which section 7 applies, this section does not affect the validity of anything previously done (whether by way of advancement, application of intermediate income or otherwise) in relation to the estate or interest.
- (4) For the purposes of this section—
  - (a) a person is a member of a class if in that person's case all the conditions identifying a member of the class are satisfied, and
  - (b) a person is a potential member of a class if in that person's case some only of those conditions are satisfied but there is a possibility that the remainder will in time be satisfied.