

*These notes refer to the Trustee Delegation Act 1999
(c.15) which received Royal Assent on 15 July 1999*

TRUSTEE DELEGATION ACT 1999

EXPLANATORY NOTES

SUMMARY

4. The Act implements, with minor modifications, the changes to the law recommended by the Law Commission in its report *The Law of Trusts: Delegation by Individual Trustees (1994) Law Com No 220*.
5. The sections of the Act may conveniently be divided into five groups.
 - Sections 1 - 4 create an exception to the general rule that the exercise of trustee functions may not be delegated.
 - Sections 5 - 6 amend the general statutory conditions on which a trustee may delegate the exercise of his or her trustee functions and provide for the creation of a statutory form of power of attorney for use by a trustee.
 - Sections 7 - 9 prevent the rules of law which require capital monies to be paid to at least two trustees from being circumvented by use of a power of attorney and make provision relating to registered enduring powers of attorney.
 - Section 10 creates a rule of interpretation that an attorney's authority to do an act in relation to land includes authority to do that act in relation to any estate or interest in the land.
 - Sections 11 - 13 deal with commencement and other supplementary matters.