SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 13.

An Act to facilitate the execution of Trusts during the present War. [27th November 1914.] A.D. 1914.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power to delegate the execution of trusts by power of attorney.

1.—(1) A trustee (whether a sole trustee or a trustee with others) may, notwithstanding any rule of law or equity to the contrary, by power of attorney, attested by one or more witnesses, delegate to any person capable of being appointed to be a trustee of the trust the execution during any period for which the trustee is engaged on war service within the meaning of this Act, and a further period of one month thereafter, of any trust of which he is trustee.

(2) For the purposes of this Act a trustee shall be deemed to be engaged on war service :—

(*a*) If he is engaged on active service in connection with the present war as a member of any of the military or naval forces of the Crown ; and

(*b*) If he is engaged on service in any work abroad, in connection with the present war, of the British Red Cross Society, or the Saint John's Ambulance Association, or any other body with similar objects ; and

(*c*) If in connection with the present war he is a prisoner of war in the enemy's country or is interned in the country of a neutral Power.

(3) All jurisdiction and powers of any court shall apply to the donee of a power of attorney given under this Act so far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

(4) A statutory declaration by the donee of a power of attorney under which the execution of a trust is delegated, that the donor is engaged on war service within the meaning of this Act, or that in any transaction the donee is acting in execution

A.D. 1914.

of the trust, shall be accepted as sufficient evidence of the fact by any person dealing with the donee.

Supplemental provisions as to powers of attorney given under Act. 44 & 45 Vict. c. 41.

2.—(1) A power of attorney given under this Act may be deposited at the Central Office of the Supreme Court or proper office of the Supreme Court of Judicature in Ireland under section forty-eight of the Conveyancing Act, 1881, without any such verification of its execution as is therein required; and, notwithstanding anything in any Act or rules, the Bank of England, the Bank of Ireland, the Paymaster-General, the Accountant-General of the Supreme Court of Judicature in Ireland, and any other person, shall not refuse to act on the authority of any such power of attorney, although the power is not attested by two witnesses, or fails in any other respect to comply with any formality required by law or practice.

(2) The donee of a power of attorney given under this Act may, for the purpose of the transfer of any inscribed stock, himself delegate to an attorney the power to transfer.

(3) The fact that it appears from any power of attorney given under this Act, or from any evidence required for the purposes of any such power of attorney, or otherwise, that in dealing with any stock the donee of the power is acting in the execution of a trust shall not be deemed for any purpose to affect any person in whose books the stock is inscribed or registered with any notice of the trust.

(4) In this section the expression "stock" includes shares and any fund, annuity, or security transferable in books kept by any person or by any instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein.

Extension of Act to certain persons abroad not actually engaged on war service.

3. The powers conferred by this Act on trustees in relation to any period for which they are engaged on war service, may also be exercised by any trustee not engaged on war service in relation to any period during which, being abroad, he is for any reason connected with the present war unable to return from abroad to the United Kingdom; and this Act shall have effect, in its application to such trustees, with the necessary modifications.

Short title and application.

4.—(1) This Act may be cited as the Execution of Trusts (War Facilities) Act, 1914.

(2) This Act shall not apply to Scotland.

(3) This Act shall not apply to any trustee under an implied or constructive trust.

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