

Perpetuities Act

CHAPTER 42 OF THE ACTS OF 2011



© 2013 Her Majesty the Queen in right of the Province of Nova Scotia
Published by Authority of the Speaker of the House of Assembly
Halifax

This page is intentionally blank.

CHAPTER 42 OF THE ACTS OF 2011

**An Act to Abolish the Rules of Law
against Perpetuities and to Amend Chapter 385
of the Revised Statutes, 1989,
the Real Property Act, and
Chapter 486 of the Revised Statutes, 1989,
the Variation of Trusts Act**

Table of Contents

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Rules against perpetuities abolished.....	3
Application.....	4
Real Property Act amended.....	5
Variation of Trusts Act amended.....	6
Effective date.....	7

Short title

- 1** This Act may be cited as the *Perpetuities Act*. 2011, c. 42, s. 1.

Interpretation

- 2** In this Act,
- (a) “modern rule against perpetuities” includes the operation of the rule respecting remoteness of vesting and perpetual duration and respecting testamentary executory interests in personal property;
 - (b) “rules of law against perpetuities” means
 - (i) the rule in *Whitby v. Mitchell*, and
 - (ii) the modern rule against perpetuities. 2011, c. 42, s. 2.

Rules against perpetuities abolished

- 3** The rules of law against perpetuities are abolished. 2011, c. 42, s. 3.

Application

- 4** (1) Subject to subsection (2), this Act applies to
- (a) all interests in property created before, on or after the coming into force of this Act; and

(b) all trusts, whether taking effect before, on or after the coming into force of this Act.

(2) The rules of law against perpetuities continue to apply to an interest or purported interest in property if, before the coming into force of this Act,

(a) the period permitted for the vesting of the interest or purported interest has terminated and any act or step has been taken as a consequence of that termination; or

(b) a court has held the interest or purported interest to be void for breach of the rules of law against perpetuities. 2011, c. 42, s. 4.

Real Property Act amended

5 *amendments*

Variation of Trusts Act amended

6 *amendments*

Effective date

7 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2011, c. 42, s. 7.

Proclaimed	-	July 23, 2013
In force	-	July 23, 2013
