

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 290.

*Law of Property (Execution of Powers).*

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not vested specifically in any Minister it appears from the determination of functions of Departments that it came within the responsibilities of the Minister for Justice.

This Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

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ARRANGEMENT OF SECTIONS.

1. Powers exercisable otherwise than by will.
2. Powers exercisable by will.

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Being an Act to make certain provision for the execution of powers of appointment.

1. Powers exercisable otherwise than by will.

- (1) Where a power of appointment by an instrument other than a will is exercised—
- (a) by deed executed and attested in accordance with the *Wills, Probate and Administration Act*, or
  - (b) by an instrument under—
    - (i) the *Real Property Act*, 1913 of the former Territory of Papua (Adopted); or
    - (ii) the *Lands Registration Act* 1924 of the former Territory of New Guinea (Adopted),

executed and attested in accordance with that Act,

the instrument is, in respect of its execution and attestation, a valid exercise of the power notwithstanding that by the instrument creating the power some additional or other form of execution or attestation, or some other solemnity, is required.

(2) Subsection (1) applies to the exercise after 15 September 1975 (being the date of commencement of the pre-Independence *Wills, Probate and Administration (Powers) Act* 1975) of a power of appointment created by an instrument, no matter when the instrument came into effect.

2. Powers exercisable by will.

Sections 7(2) and 15 of the *Wills, Probate and Administration Act* applies in relation to the exercise of a power of appointment by a will.

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APPENDIX.

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SOURCE OF THE LAW OF PROPERTY (EXECUTION OF POWERS) ACT.

Part A.—Previous Legislation.

*Wills, Probate and Administration (Powers) Act 1975 (No. 42 of 1975).*

Note:—This was actually an amending Act, inserting a new Section 6A into the *Wills, Probate and Administration Act 1966*. However, it dealt solely with the present subject matter, and is here treated as an independent Act.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	6A
2	—

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<sup>1</sup>The reference is to the *Wills, Probate and Administration Act 1966*, as amended by the Act set out in Part A.