21. Powers of appointment

This chapter focuses on the powers of appointment. Powers of appointment confer on a person who does not own property the authority to choose who shall become the owner. The key feature of a power of appointment is that it is discretionary in character. The donee of a power is under no enforceable obligation to make any appointments of the fund at all. Even if the donee were never to make any appointments at all, they would not be in breach of a duty owed either to the donor or to the potential objects of the power. The court will not step in to compel the exercise of the power, but it will exercise a supervisory jurisdiction to ensure that, if the donee does decide to exercise the power, they do so properly.
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