



Trustee Act (Northern Ireland) 1958

1958 CHAPTER 23

PART II

GENERAL POWERS OF TRUSTEES AND PERSONAL REPRESENTATIVES

MAINTENANCE, ADVANCEMENT AND PROTECTIVE TRUSTS

34^{F1} Protective trusts.

- (1) Where any income, including an annuity or other periodical income payment, is directed to be held on protective trusts for the benefit of any person (in this section referred to as “the principal beneficiary”) for the period of his life or any less period, then, during that period (in this section referred to as “the trust period”) the said income shall, without prejudice to any prior estate or interest be held—
- (a) upon trust for the principal beneficiary until whichever of the following events shall first occur—
 - (i) the trust period expires; or
 - (ii) the principal beneficiary (whether before or after the termination of any prior estate or interest) does or attempts to do or suffers any act or thing, or until any other event (not being an advance under any statutory or express power) happens whereby, if during the trust period the said income were payable to the principal beneficiary absolutely, he would be deprived of the right to receive the same or any part thereof; and
 - (b) upon trust, where any of the events referred to in sub-paragraph (ii) of paragraph (a) happens during the subsistence of the trust period, to apply the said income (as the trustees in their absolute discretion, without being liable to account for the exercise of their discretion, think fit) for the maintenance or support, or otherwise for the benefit, of all or any one or more exclusively of the other or others of the following persons—
 - (i) the principal beneficiary and his or her^{F2} spouse or civil partner], if any, and his or her children or more remote issue, if any; and

*Changes to legislation: There are currently no known outstanding effects for the
Trustee Act (Northern Ireland) 1958, Section 34 . (See end of Document for details)*

(ii) if as often as and while there is no living issue of the principal beneficiary, the principal beneficiary and his or her^{F2} spouse or civil partner], if any, and the persons who, if the principal beneficiary were actually dead without having married^{F2} or formed a civil partnership] would for the time being be his next of kin;

so that the trustees in the exercise of their discretion may apply any income accrued but unapplied in any previous year for the purposes of the trusts implied as aforesaid in any subsequent year.

- (2) This section does not apply to trusts coming into operation before the commencement of this Act, and has effect subject to any variation of the trusts implied as aforesaid contained in the instrument creating the trust.
- (3) Nothing in this section operates to validate any trust which would, if contained in the instrument creating the trust, be liable to be set aside.

F1 [1977 NI 17](#)

F2 [2004 c.33](#)

Changes to legislation:

There are currently no known outstanding effects for the Trustee Act (Northern Ireland) 1958, Section 34 .