



# Succession (Scotland) Act 2016

## 2016 asp 7

### *Estate administration*

#### **23 Errors in distribution: protection of trustees and executors in certain circumstances**

In the Trusts (Scotland) Act 1921, after section 29 insert—

##### **“29A Errors in distribution: circumstances in which trustee not personally liable**

- (1) A trustee is not personally liable for any error in the distribution of any property, or the income of property, vested in the person as trustee if—
  - (a) the error was caused by the trustee not knowing (either or both)—
    - (i) of the existence, or non-existence, of a person,
    - (ii) of a person’s relationship, or lack of relationship, to another person, and
  - (b) the distribution takes place—
    - (i) in good faith and after such enquiries as any reasonable and prudent trustee would have made in the circumstances of the case, or
    - (ii) in accordance with an order of the court.
- (2) Subsection (1) does not affect any right which a person entitled to the property or income concerned has to recover it from another person.
- (3) Subsection (2) is without prejudice to section 24 of the Succession (Scotland) Act 2016.
- (4) This section applies only in relation to a distribution which takes place on or after the day on which section 23 of the Succession (Scotland) Act 2016 comes into force”.