



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 3

POWERS AND DUTIES OF TRUSTEES

PROSPECTIVE

Apportionment

25 Exercise of power to apportion between or among beneficiaries

- (1) Except in so far as the trust deed, expressly or by implication, provides otherwise, no exercise by a trustee of a power to apportion funds or other property between or among certain beneficiaries is invalid on the ground only that—
 - (a) an insubstantial, illusory or nominal part is apportioned to (or left to devolve unapportioned upon) one of the beneficiaries, or
 - (b) one of the beneficiaries is not apportioned a part.
- (2) But [subsection \(1\)](#) is without prejudice to the grounds on which the court may grant a remedy under [section 68](#).
- (3) [This section](#) applies irrespective of when the trust was created.

Commencement Information

11 S. 25 not in force at Royal Assent, see [s. 88\(3\)](#)

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Cross Heading: Apportionment. (See end of Document for details)

26 Time apportionment

- (1) Except in so far as the trust deed expressly provides otherwise (or, in a case where there is no trust deed, the context requires otherwise), the trustees may determine that amounts mentioned in section 2 of the Apportionment Act 1870 (which provides for rents, dividends and other periodical payments to be apportionable in respect of time) are—
 - (a) to be apportioned as mentioned in that section, or
 - (b) not to be apportioned in such manner, but instead to accrue as they arise.
- (2) [This section](#) applies irrespective of when the trust was created.

Commencement Information

I2 S. 26 not in force at Royal Assent, see [s. 88\(3\)](#)

27 Apportionment: disapplication of certain rules

- (1) Any rule of law relating to the allocation and apportionment of trust receipts and outgoings ceases to have effect in relation to a trust, irrespective of when that trust was created.
- (2) [Subsection \(1\)](#) does not affect allocation and apportionment which falls to be made before [this section](#) comes into force.

Commencement Information

I3 S. 27 not in force at Royal Assent, see [s. 88\(3\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Cross Heading: Apportionment.