



# Trusts and Succession (Scotland) Act 2024

## 2024 asp 2

### PART 1

#### TRUSTS

### CHAPTER 3

#### POWERS AND DUTIES OF TRUSTEES

##### *Personal liability of trustees*

PROSPECTIVE

#### **37 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 trustee 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—
  - (a) irrespective of when the trust was created, but

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Section 37. (See end of Document for details)*

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(b) only as respects distributions occurring after the section comes into force.

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**Commencement Information**

**I1** S. 37 not in force at Royal Assent, see [s. 88\(3\)](#)

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**Changes to legislation:**

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