



# Trusts of Land and Appointment of Trustees Act 1996

## 1996 CHAPTER 47

### PART III

#### SUPPLEMENTARY

#### 22 Meaning of “beneficiary”

- (1) In this Act “beneficiary”, in relation to a trust, means any person who under the trust has an interest in property subject to the trust (including a person who has such an interest as a trustee or a personal representative).
- (2) In this Act references to a beneficiary who is beneficially entitled do not include a beneficiary who has an interest in property subject to the trust only by reason of being a trustee or personal representative.
- (3) For the purposes of this Act a person who is a beneficiary only by reason of being an annuitant is not to be regarded as entitled to an interest in possession in land subject to the trust.

#### 23 Other interpretation provisions

- (1) In this Act “purchaser” has the same meaning as in Part I of the Law of Property Act 1925.
- (2) Subject to that, where an expression used in this Act is given a meaning by the Law of Property Act 1925 it has the same meaning as in that Act unless the context otherwise requires.
- (3) In this Act “the court” means—
  - (a) the High Court, or
  - (b) a county court.

## **24 Application to Crown**

- (1) Subject to subsection (2), this Act binds the Crown.
- (2) This Act (except so far as it relates to undivided shares and joint ownership) does not affect or alter the descent, devolution or nature of the estates and interests of or in—
  - (a) land for the time being vested in Her Majesty in right of the Crown or of the Duchy of Lancaster, or
  - (b) land for the time being belonging to the Duchy of Cornwall and held in right or respect of the Duchy.

## **25 Amendments, repeals etc**

- (1) The enactments mentioned in Schedule 3 have effect subject to the amendments specified in that Schedule (which are minor or consequential on other provisions of this Act).
- (2) The enactments mentioned in Schedule 4 are repealed to the extent specified in the third column of that Schedule.
- (3) Neither section 2(5) nor the repeal by this Act of section 29 of the Settled Land Act 1925 applies in relation to the deed of settlement set out in the Schedule to the Chequers Estate Act 1917 or the trust instrument set out in the Schedule to the Chevening Estate Act 1959.
- (4) The amendments and repeals made by this Act do not affect any entailed interest created before the commencement of this Act.
- (5) The amendments and repeals made by this Act in consequence of section 3—
  - (a) do not affect a trust created by a will if the testator died before the commencement of this Act, and
  - (b) do not affect personal representatives of a person who died before that commencement;and the repeal of section 22 of the Partnership Act 1890 does not apply in any circumstances involving the personal representatives of a partner who died before that commencement.

## **26 Power to make consequential provision**

- (1) The Lord Chancellor may by order made by statutory instrument make any such supplementary, transitional or incidental provision as appears to him to be appropriate for any of the purposes of this Act or in consequence of any of the provisions of this Act.
- (2) An order under subsection (1) may, in particular, include provision modifying any enactment contained in a public general or local Act which is passed before, or in the same Session as, this Act.
- (3) A statutory instrument made in the exercise of the power conferred by this section is subject to annulment in pursuance of a resolution of either House of Parliament.

## **27 Short title, commencement and extent**

- (1) This Act may be cited as the Trusts of Land and Appointment of Trustees Act 1996.

- (2) This Act comes into force on such day as the Lord Chancellor appoints by order made by statutory instrument.
- (3) Subject to subsection (4), the provisions of this Act extend only to England and Wales.
- (4) The repeal in section 30(2) of the Agriculture Act 1970 extends only to Northern Ireland.