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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## SCHEDULES.

### FOURTH SCHEDULE

#### DISPOSITIONS ON TRUST FOR SALE.

*Consents to the execution of a trust for sale ; as to giving effect to the wishes of the persons interested and protection to trustees.*

- 2 (1) If the consent of more than two persons is made requisite by the disposition to the execution of a trust for sale of land then, in favour of a purchaser, the consent of any two of such persons to the execution of the trust or to the exercise of any statutory or other powers vested in the trustees for sale shall be deemed sufficient.
- (2) A consent by a person not sui juris or who becomes subject to disability expressed to be required by a disposition in the case of any such trust or power shall not in favour of a purchaser be deemed to be requisite to the execution of the trust or the exercise of the power; but the trustees shall, in any such case, obtain the separate consent of the parent or testamentary or other guardian of an infant or of the committee or receiver (if any) of a lunatic or defective.
- (3) The trustees for sale shall, so far as practicable, give effect to the wishes of the persons of full age for the time being beneficially interested in possession in the rents and profits of the land until sale, or, in case of dispute, of the majority (according to the value of their combined interests) of such persons, but a purchaser shall not be concerned to see that such wishes are complied, with.
- (4) Where there is a power to postpone the sale, then (subject to any express direction to the contrary in the instrument, if any, creating the trust for sale) the trustees for sale (including personal representatives) shall not be liable in any way for postponing the sale, in the exercise of their discretion, for any indefinite period; nor shall a purchaser of a legal estate be concerned in any case with any directions respecting the postponement of the sale. A power to postpone sale shall be implied unless a contrary intention appears.
- (5) This section applies whether the trust for sale is created before or after the commencement or by virtue of this Act.