



Trustee Act 1925

1925 CHAPTER 19 15 and 16 Geo 5

PART IV

POWERS OF THE COURT

Vesting Orders

[^{F1}54 Jurisdiction in regard to mental patients.

- [^{F2}(1) Subject to subsection (2), the Court of Protection may not make an order, or give a direction or authority, in relation to a person who lacks capacity to exercise his functions as trustee, if the High Court may make an order to that effect under this Act.]
- (2) [^{F3}Where a person lacks capacity to exercise his functions as a trustee and a deputy is appointed for him by the Court of Protection or an application for the appointment of a deputy]has been made but not determined, then, except as respects a trust which is subject to an order for administration made by the High Court, [^{F4}the Court of Protection] shall have concurrent jurisdiction with the High Court in relation to—
- (a) mortgaged property of which [^{F5}the person concerned]has become a trustee merely by reason of the mortgage having been paid off;
 - (b) matters consequent on the making of provision by [^{F4}the Court of Protection] for the exercise of a power of appointing trustees or retiring from a trust;
 - (c) matters consequent on the making of provision by [^{F4}the Court of Protection] for the carrying out of any contract entered into by [^{F5}the person concerned];
 - (d) property to some interest in which [^{F5}the person concerned]is beneficially entitled but which, or some interest in which, is held by [^{F5}the person concerned] under an express, implied or constructive trust.

The Lord Chancellor may make rules with respect to the exercise of the jurisdiction referred to in this subsection.

^{F6}(3)]

Changes to legislation: There are currently no known outstanding effects for the Trustee Act 1925, Section 54. (See end of Document for details)

Textual Amendments

- F1** S. 54 substituted by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 7 Pt. I**
- F2** [S. 54\(1\)](#) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 3(4)(a)** (with [ss. 27-29, 62](#)); S.I. 2007/1897, art. 2(1)(d)
- F3** Words in [s. 54\(2\)](#) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 3(4)(b)(i)** (with [ss. 27-29, 62](#)); S.I. 2007/1897, art. 2(1)(d)
- F4** Words in [s. 54\(2\)](#) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 3(4)(b)(ii)** (with [ss. 27-29, 62](#)); S.I. 2007/1897, art. 2(1)(d)
- F5** Words in [s. 54\(2\)](#) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 3(4)(b)(iii)** (with [ss. 27-29, 62](#)); S.I. 2007/1897, art. 2(1)(d)
- F6** [S. 54\(3\)](#) repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), [Sch. 6 para. 3\(4\)\(c\)](#), **Sch. 7** (with [ss. 27-29, 62](#)); S.I. 2007/1897, art. 2(1)(d)

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