



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 1

APPOINTMENT, ASSUMPTION, RESIGNATION, REMOVAL AND DISCHARGE OF TRUSTEES

Discharge

12 Discharge where trustee has resigned, died or been removed from office

- (1) Where a trustee—
 - (a) resigns, the remaining trustees or the beneficiaries may discharge that trustee or that trustee's representatives of that trustee's acts and intromissions,
 - (b) dies, the remaining trustees or the beneficiaries may discharge that trustee's representatives of that trustee's acts and intromissions,
 - (c) is removed from office under [section 7](#) or [9](#), the remaining trustees or the beneficiaries may discharge that trustee or that trustee's representatives of that trustee's acts and intromissions,
 - (d) is removed from office under [section 10](#), the beneficiaries may discharge that trustee or that trustee's representatives of that trustee's acts and intromissions.
- (2) If—
 - (a) discharge under [subsection \(1\)\(a\)](#), [\(b\)](#) or [\(c\)](#) cannot be obtained from the remaining trustees, and
 - (b) the beneficiaries of the trust refuse, or are unable for any reason, to grant it, the court may, on the application of that trustee or as the case may be of that trustee's guardian or representatives and after such intimation and inquiry as the court thinks necessary, grant it.
- (3) If the beneficiaries of the trust refuse, or are unable for any reason, to grant discharge under [subsection \(1\)\(d\)](#), the court may, on the application of that trustee or as the

Status: This is the original version (as it was originally enacted).

case may be of that trustee's guardian or representatives and after such intimation and inquiry as the court thinks necessary, grant it.

- (4) In this section, the references to beneficiaries are, in relation to any beneficiary who has not attained the age of 16 years or is incapable, to be construed as references to an appropriate person in relation to the beneficiary (see section 81(2)).
- (5) [This section](#) applies irrespective of when the trust was created.