



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 5

DURATION OF TRUST

45 Abolition of restrictions on accumulation and on creation of future interests

- (1) Subject to any rule of law, a trust may be constituted of whatever duration the truster elects.
- (2) The following (which relate to restrictions on the accumulation of income) are repealed in relation to a trust—
 - (a) the Accumulations Act 1892,
 - (b) section 5 of the Trusts (Scotland) Act 1961, and
 - (c) section 6 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966.
- (3) The following (which relate to restrictions on the creation of future interests) are repealed in relation to a trust—
 - (a) sections 47 to 49 of the Entail Amendment Act 1848,
 - (b) section 45 of the Conveyancing (Scotland) Act 1924, and
 - (c) section 18 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968.
- (4) The following rules of law do not apply in relation to a trust—
 - (a) the rule known as the rule in *Frog's Creditors* (which provides that a conveyance to a non-existent or unascertainable person, with the grant of a liferent to a living individual, results in that individual becoming owner), and
 - (b) the rule known as the rule in *Newlands* (which provides that a conveyance such as is mentioned in paragraph (a), but with the grant in question described as being for the liferent use allenerly of the living individual, results in that individual becoming fiduciary fiar and not owner).

Status: This is the original version (as it was originally enacted).

(5) **This section** does not apply—

- (a) as respects a trust created before the section comes into force (except in so far as the trust deed expressly provides for accumulation in anticipation of any change in the law), or
- (b) as respects a public trust which is not a charitable trust.