



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 3

POWERS AND DUTIES OF TRUSTEES

Delegation and the appointment of agents and nominees

22 Delegation and the appointment of agents

- (1) Subject to the provisions of [this section](#) and except in so far as the trust deed expressly provides otherwise, the trustees may delegate the exercise of any of their powers and in particular may—
 - (a) appoint an agent,
 - (b) authorise a person so appointed to execute a deed or other document on behalf of the body of trustees.
- (2) Except in so far as the trust deed expressly provides otherwise, the trustees have (and are to be taken always to have had) the power to authorise an agent to exercise any of their investment management functions—
 - (a) at the agent's discretion, or
 - (b) in such other manner as the trustees may direct.
- (3) Without prejudice to the generality of [subsections \(1\) and \(2\)](#), a person who is a trustee may be—
 - (a) appointed or authorised under [subsection \(1\)](#),
 - (b) authorised under [subsection \(2\)](#).
- (4) Except in so far as the trust deed expressly provides otherwise, the trustees may pay such remuneration as they consider reasonable to any person appointed or authorised under [subsection \(1\)](#).

Status: This is the original version (as it was originally enacted).

- (5) Except in so far as the trust deed expressly provides otherwise, the reference in [subsection \(1\)](#) to the trustee’s powers does not include a reference to a power—
- (a) relating to whether or in what way assets of the trust should be distributed,
 - (b) relating to whether any fee or other payment due to be made out of the trust funds should be made out of capital or income,
 - (c) to appoint a person to be a trustee of the trust, or
 - (d) which is conferred by any other enactment or by the trust deed and permits the trustees—
 - (i) to delegate any of their functions, or
 - (ii) to appoint a person to act as a nominee in relation to the trust property.
- (6) In [subsection \(2\)](#), “investment management functions” means functions relating to the management of investments of the trust property, heritable as well as moveable.
- (7) [Subsections \(1\)](#) and [\(2\)](#) are subject to any restriction or exclusion imposed by or under any enactment.
- (8) [This section](#) applies irrespective of when the trust was created.