



# Trusts and Succession (Scotland) Act 2024

## 2024 asp 2

### PART 1

### TRUSTS

### CHAPTER 3

### POWERS AND DUTIES OF TRUSTEES

#### *Apportionment*

PROSPECTIVE

#### **25 Exercise of power to apportion between or among beneficiaries**

- (1) Except in so far as the trust deed, expressly or by implication, provides otherwise, no exercise by a trustee of a power to apportion funds or other property between or among certain beneficiaries is invalid on the ground only that—
  - (a) an insubstantial, illusory or nominal part is apportioned to (or left to devolve unapportioned upon) one of the beneficiaries, or
  - (b) one of the beneficiaries is not apportioned a part.
- (2) But [subsection \(1\)](#) is without prejudice to the grounds on which the court may grant a remedy under [section 68](#).
- (3) [This section](#) applies irrespective of when the trust was created.

#### **Commencement Information**

**11** S. 25 not in force at Royal Assent, see [s. 88\(3\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Section 25.