



# Trusts and Succession (Scotland) Act 2024

## 2024 asp 2

### PART 1

### TRUSTS

### CHAPTER 3

#### POWERS AND DUTIES OF TRUSTEES

#### *Breach of duty etc.*

PROSPECTIVE

#### **32 Breach of fiduciary duty at instigation or request of beneficiary or with consent of beneficiary**

- (1) **This section** applies where a trustee is in breach of a fiduciary duty—
  - (a) at the instigation or request of a beneficiary, or
  - (b) with the written consent of a beneficiary.
- (2) The court may if it thinks fit make such order, assigning by way of indemnity all or part of the beneficiary's interest in the trust property to the trustee or (as the case may be) to any person claiming through the trustee, as seems to the court to be just.
- (3) **This section** applies—
  - (a) irrespective of when the trust was created, but
  - (b) only as respects a breach of a fiduciary duty occurring after the section comes into force.

#### **Commencement Information**

- II** S. 32 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 32.