



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 3

POWERS AND DUTIES OF TRUSTEES

Breach of duty etc.

33 Order relieving trustee of consequences of actings which are ultra vires

- (1) [This section](#) applies where actings of a trustee are ultra vires.
- (2) On the application of the trustee the court may, if the condition mentioned in [subsection \(3\)](#) is satisfied, make such order relieving the trustee of the consequences of those actings as seems to the court to be just.
- (3) The condition is that the trustee believes (after taking all reasonable steps and making all reasonable enquiry) that it is within the trustee's powers to act as the trustee does.
- (4) [Subsection \(2\)](#) is without prejudice to any right of a beneficiary or trustee to recover trust property from a person, other than a trustee, to whom a payment would not have been made but for the actings in question.
- (5) [This section](#) applies—
 - (a) irrespective of when the trust was created, but
 - (b) only as respects actings occurring after the section comes into force.