



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 6

PRIVATE PURPOSE TRUSTS

Applications to the court

PROSPECTIVE

48 Application to reform trust

- (1) **This section** applies where property is held for the specific purpose of a private purpose trust.
- (2) If executing the trust in accordance with its terms becomes, whether in relation to all or only to part of the property—
 - (a) impossible or impracticable,
 - (b) unlawful or contrary to public policy, or
 - (c) inappropriate because, by reason of changed circumstances, to do so would no longer accord with the general intent of the trust,the trustees or (unless the trust deed expressly or impliedly excludes the possibility) a supervisor may apply to the court to reform the trust.
- (3) On such application the court—
 - (a) may direct that the trust property, or where the application relates only to part of the trust property the part in question, be held for such other purpose as it considers to be consistent with the spirit of the trusters' directions, or
 - (b) if it is of the opinion that the trust cannot be reformed consistently with the spirit of those directions, may direct—

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 48. (See end of Document for details)

- (i) where the application relates to all of the trust property, that the trustees dispose of that property as though the trust has failed, or
 - (ii) where the application relates only to part of the trust property, that the trustees dispose of that part as though the trust has failed in relation to that part.
- (4) But [subsections \(2\) and \(3\)](#) are to be disregarded if the trust can be reformed in accordance with its own terms.
- (5) [This section](#) applies irrespective of when the trust was created.

Commencement Information

- II** S. 48 not in force at Royal Assent, see [s. 88\(3\)](#)

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