



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 1

APPOINTMENT, ASSUMPTION, RESIGNATION, REMOVAL AND DISCHARGE OF TRUSTEES

Resignation and removal

PROSPECTIVE

7 Removal of trustee by court

- (1) Where a trustee—
- (a) is unfit to carry out the duties of a trustee,
 - (b) purports to carry out those duties but does so in a way which is inconsistent with, or might be inconsistent with, a trustee's fiduciary duty,
 - (c) has neglected the trustee's duties as trustee,
 - (d) is incapable, or
 - (e) is untraceable,

the court may, on the application of one or more of the other trustees, of a beneficiary or of any other person with an interest in the trust property, remove the trustee from office.

- (2) The court ceases to have power at common law to remove a trustee.
- (3) This section applies irrespective of when the trust was created.

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 7. (See end of Document for details)

Commencement Information

II S. 7 not in force at Royal Assent, see **s. 88(3)**

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