



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 8

POWERS OF THE COURT

Miscellaneous powers

72 Authorisation to make payments on basis that an event has or has not occurred or will or will not occur

- (1) The court may, on the application of one or more of the trustees or of any person with an interest in the trust property, grant an order authorising the trustees to make payments from the trust property on the basis that an event specified in the application—
 - (a) has, or has not, occurred, or
 - (b) will, or will not, occur.
- (2) An order under [subsection \(1\)](#) may be granted on such conditions as the court thinks fit to impose.
- (3) Should it be found that the basis on which the order was granted was untrue, a trustee who has acted in accordance with the order incurs no personal liability unless, in connection with the making of the application—
 - (a) some relevant fact was concealed from the court—
 - (i) by the trustee, or
 - (ii) by some other person and the trustee knew, or ought to have known, of the concealment, or
 - (b) there were fraudulent actings—
 - (i) on the part of the trustee, or
 - (ii) on the part of some other person and the trustee knew, or ought to have known, of those actings and that they were fraudulent.

Status: This is the original version (as it was originally enacted).

- (4) [This section](#) is without prejudice to any right of a beneficiary to recover trust property from a person to whom, by virtue of the order, a payment has been made or from any successor of such a person.
- (5) [This section](#) applies irrespective of when the trust was created.