



# Trusts (Scotland) Act 1921

1921 CHAPTER 58 11 and 12 Geo 5

**16 The court may authorise the advance of part of the capital of a trust fund.**

The court may, from time to time under such conditions as they see fit, authorise trustees to advance any part of the capital of a fund destined either absolutely or contingently to beneficiaries who at the date of the application to the court are not of full age, if it shall appear that the income of the fund is insufficient or not applicable to, and that such advance is necessary for, the maintenance or education of such beneficiaries or any of them, and that it is not expressly prohibited by the trust deed, and that the rights of such beneficiaries, if contingent, are contingent only on their survivance.

**Changes to legislation:**

Trusts (Scotland) Act 1921, Section 16 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act repealed by [2024 asp 2 Sch. 2](#)