

*These notes refer to the Trustee Act (Northern Ireland)
2001 (c.14) which received Royal Assent on 20 July 2001*

Trustee Act (Northern Ireland) 2001

EXPLANATORY NOTES

COMMENTARY ON CLAUSES

Part III: Acquisition of Land

Sections 8 to 10 form Part III of the Act. These provisions govern acquisition of land by trustees.

Section 8: Power to acquire land

Section 8 confers a power to acquire land as an investment, for occupation by a beneficiary or for any other reason. This helps trustees who want to buy a house for a beneficiary to live in but find they have no power to do so under the current law. As far as buying land as an investment is concerned, the reason for treating this separately from other assets within the general power of investment is to facilitate the making of necessary consequential amendments to other legislation, particularly the Settled Land Acts 1882 to 1890. It should be pointed out that the statutory duty of care applies to a trustee exercising powers to acquire land, as do the obligations to have regard to the standard investment criteria and to obtain and consider proper advice in relation to investment transactions.

Section 9: Restriction or exclusion of this Part, etc.

Section 9 makes it clear that these new powers to acquire land are additional to other powers trustees may have but are subject to any restriction or exclusion imposed by the trust instrument or statute. The powers do not apply in relation to settled land, where extensive provision already exists.

Section 10: Existing trusts

Section 10 specifies that this Part applies to trusts created before or after its commencement.