



Trusts of Land and Appointment of Trustees Act 1996

1996 CHAPTER 47

PART I

TRUSTS OF LAND

Consents and consultation

10 Consents

- (1) If a disposition creating a trust of land requires the consent of more than two persons to the exercise by the trustees of any function relating to the land, the consent of any two of them to the exercise of the function is sufficient in favour of a purchaser.
- (2) Subsection (1) does not apply to the exercise of a function by trustees of land held on charitable, ecclesiastical or public trusts.
- (3) Where at any time a person whose consent is expressed by a disposition creating a trust of land to be required to the exercise by the trustees of any function relating to the land is not of full age—
 - (a) his consent is not, in favour of a purchaser, required to the exercise of the function, but
 - (b) the trustees shall obtain the consent of a parent who has parental responsibility for him (within the meaning of the Children Act 1989) or of a guardian of his.

11 Consultation with beneficiaries

- (1) The trustees of land shall in the exercise of any function relating to land subject to the trust—
 - (a) so far as practicable, consult the beneficiaries of full age and beneficially entitled to an interest in possession in the land, and

Status: This is the original version (as it was originally enacted).

- (b) so far as consistent with the general interest of the trust, give effect to the wishes of those beneficiaries, or (in case of dispute) of the majority (according to the value of their combined interests).
- (2) Subsection (1) does not apply—
- (a) in relation to a trust created by a disposition in so far as provision that it does not apply is made by the disposition,
 - (b) in relation to a trust created or arising under a will made before the commencement of this Act, or
 - (c) in relation to the exercise of the power mentioned in section 6(2).
- (3) Subsection (1) does not apply to a trust created before the commencement of this Act by a disposition, or a trust created after that commencement by reference to such a trust, unless provision to the effect that it is to apply is made by a deed executed—
- (a) in a case in which the trust was created by one person and he is of full capacity, by that person, or
 - (b) in a case in which the trust was created by more than one person, by such of the persons who created the trust as are alive and of full capacity.
- (4) A deed executed for the purposes of subsection (3) is irrevocable.