
Changes to legislation: There are currently no known outstanding effects for the Trustee Act 2000, Cross
Heading: The Trusts of Land and Appointment of Trustees Act 1996 (c.47). (See end of Document for details)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

OTHER PUBLIC GENERAL ACTS

The Trusts of Land and Appointment of Trustees Act 1996 (c.47)

- 45 (1) In section 6 (general powers of trustees), in subsection (3) for “purchase a legal estate in any land in England and Wales” substitute “acquire land under the power conferred by section 8 of the Trustee Act 2000.”
- (2) Omit subsection (4) of that section.
- (3) After subsection (8) of that section insert—
- “ (9) The duty of care under section 1 of the Trustee Act 2000 applies to trustees of land when exercising the powers conferred by this section.”
- 46 In section 9 (delegation by trustees) omit subsection (8).
- 47 After section 9 insert—

“9A Duties of trustees in connection with delegation etc.

- (1) The duty of care under section 1 of the Trustee Act 2000 applies to trustees of land in deciding whether to delegate any of their functions under section 9.
- (2) Subsection (3) applies if the trustees of land—
- (a) delegate any of their functions under section 9, and
 - (b) the delegation is not irrevocable.
- (3) While the delegation continues, the trustees—
- (a) must keep the delegation under review,
 - (b) if circumstances make it appropriate to do so, must consider whether there is a need to exercise any power of intervention that they have, and
 - (c) if they consider that there is a need to exercise such a power, must do so.
- (4) “Power of intervention” includes—
- (a) a power to give directions to the beneficiary;
 - (b) a power to revoke the delegation.

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- (5) The duty of care under section 1 of the 2000 Act applies to trustees in carrying out any duty under subsection (3).
- (6) A trustee of land is not liable for any act or default of the beneficiary, or beneficiaries, unless the trustee fails to comply with the duty of care in deciding to delegate any of the trustees' functions under section 9 or in carrying out any duty under subsection (3).
- (7) Neither this section nor the repeal of section 9(8) by the Trustee Act 2000 affects the operation after the commencement of this section of any delegation effected before that commencement.”
- 48 Omit section 17(1) (application of section 6(3) in relation to trustees of proceeds of sale of land).
- 49 In Schedule 3 (consequential amendments) omit paragraph 3(4) (amendment of section 19(1) and (2) of Trustee Act 1925).

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