



Trusts (Scotland) Act 1921

1921 CHAPTER 58 11 and 12 Geo 5

22 Appointment of new trustees by the court.

When trustees cannot be assumed under any trust deed, or when any person who is the sole trustee appointed in or acting under any trust deed is or has become insane or is or has become incapable of acting by reason of physical or mental disability, or by being absent continuously from the United Kingdom for a period of at least six months, or by having disappeared for a like period, the [^{F1}Court of Session or an appropriate sheriff court] may, upon the application of any party having interest in the trust estate, after such intimation and inquiry as may be thought necessary, appoint a trustee or trustees under such trust deed with all the powers incident to that office, and, on such appointment being made in the case of any person becoming insane or incapable of acting as aforesaid, such person shall cease to be a trustee under such trust deed, and the court [^{F2}to which application is made] may, on such application, grant a warrant to complete a title to any heritable property forming part of the trust estate in favour of the trustee or trustees so appointed, which warrant shall specify and describe the heritable property to which it is applicable, or refer in terms of law to a recorded deed containing a description thereof, and shall also specify the moveable or personal property, or bear reference to an inventory appended to the petition to the court in which such moveable or personal property is specified, and such warrant shall be effectual as a conveyance of such heritable property in favour of the trustee or trustees so appointed in like manner and to the same effect as a warrant in favour of a judicial factor granted under the authority of section twenty-four of the ^{M1}Titles to Lands Consolidation (Scotland) Act, 1868, or section forty-four of the ^{M2}Conveyancing (Scotland) Act, 1874, and shall also be effectual as an assignation of such moveable or personal property in favour of the trustee or trustees so appointed.

Textual Amendments

- F1** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\), s. 13\(a\)](#)
- F2** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\), s. 13\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Trusts (Scotland) Act 1921, Section 22. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 22 applied (27.7.1992) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 19\)](#), [ss. 7\(4\)\(f\), 75\(2\)](#) (subject to a saving in s. 15(9)); S.I. 1992/1599, art. 5, [Sch. 3](#)
- C2** S. 22 applied (1.1.2006) by [Charities and Trustee Investment \(Scotland\) Act 2005 \(asp 10\)](#), [ss. 34\(6\), 107\(2\)](#); S.S.I. 2006/189, [art. 2\(1\)](#), Sch. Pt. 1

Marginal Citations

- M1** 1868 c. 101.
- M2** 1874 c. 94.

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