
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 164 (C. 14)

**TRUSTS
SUCCESSION**

**The Trusts and Succession (Scotland) Act 2024
(Commencement No. 1) Regulations 2024**

<i>Made</i>	- - - -	<i>5th June 2024</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th June 2024</i>
<i>Coming into force</i>	- -	<i>26th June 2024</i>

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 88(3) and (4) of the Trusts and Succession (Scotland) Act 2024⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Trusts and Succession (Scotland) Act 2024 (Commencement No. 1) Regulations 2024 and come into force on 26 June 2024.

(2) In these Regulations, “the Act” means the Trusts and Succession (Scotland) Act 2024.

Appointed day

2.—(1) 26 June 2024 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(2) Where a purpose is specified in column 3 of the table in the schedule, the corresponding provision in column 1 comes into force in accordance with paragraph (1) only for that purpose.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
5th June 2024

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provision of the Act)</i>	<i>(subject matter)</i>	<i>(purpose)</i>
Section 7	Removal of trustee by court	For the purpose of section 8 (removal of certain trustees by court: unfitness)
Section 8	Removal of certain trustees by court: unfitness	
Section 9(2), (3), (4), (7) and (8)(a)	Removal of trustee by co-trustees	
Section 13	Decisions: preliminary	For the purpose of section 9(2), (3), (4), (7) and (8)(a) (removal of professional trustees by co-trustees)
Section 14	Making of decision	For the purpose of section 9(2), (3), (4), (7) and (8)(a)
Section 21(3), (4) and (5)	Charitable trusts: sale of property	
Section 23(12) and (13)	Appointment of nominees	
Section 80	Amendment of Confirmation of Executors (Scotland) Act 1858	
Section 81	Interpretation	
Section 82	Power to amend jurisdiction in relation to trusts	
Section 83	Meaning of incapable and related expressions	
Section 87 and schedule 2	Repeals	For the purpose of repealing section 3(c) of the Trusts (Scotland) Act 1921 insofar as it relates to decisions taken in pursuance of section 9(2), (3), (4), (7) and (8)(a) of the Act

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations bring provisions of the Trusts and Succession (Scotland) Act 2024 (“the Act”) into force on 26 June 2024:

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- Section 7, under which an unfit trustee may be removed by the court, for the purposes of section 8. Section 8 (removal of an executor nominate, trustee of a trust established under a testamentary writing, or executor dative including where prosecuted for, or convicted of, murder or culpable homicide of the testator or the deceased) is also brought into force, as is section 80. Section 80 inserts provision into the Confirmation of Executors (Scotland) Act 1858 so where a person is prosecuted for, or convicted of, murder or culpable homicide of the deceased, a sheriff must refuse a petition to appoint that person executor dative.
- Parts of section 9 concerning removal from office by a majority of co-trustees of a trustee who is no longer a member of a regulated profession or entitled to practice, and who was appointed or assumed to provide professional services in managing the trust. Sections 13 and 14 by which decisions on the removal of a professional trustee by co-trustees are to be governed are also brought into force for these purposes, together with the repeal of section 3(c) of the Trusts (Scotland) Act 1921 insofar as it relates to those decisions.
- The regulation-making powers in sections 21(4) to specify further descriptions of charity for the purposes of section 21 (charitable trusts: use of property), 23(12) to specify particular circumstances which may constitute a “good cause” for the purpose of section 23(8) (appointment of nominees), and 82 to confer or remove from the Court of Session or the appropriate sheriff court, power to decide particular types of cases.
- The definitions in sections 81 (interpretation) and 83 (circumstances in which a person is to be regarded as untraceable).

The Bill for the Act received Royal Assent on 30 January 2024. By virtue of section 88(1), that section, together with sections 86 and 89, came into force on 31 January 2024. By virtue of section 88(2), sections 76 and 77 came into force on 30 April 2024.