



Trustee Act (Northern Ireland) 1958

1958 CHAPTER 23

PART IV

POWERS OF THE COURT

JURISDICTION TO MAKE OTHER ORDERS

57^{F1} Jurisdiction of court to vary trusts or settlements.

- (1) Subject to sub-section (2), where property is held [^{F2F3} on any trusts or settlements] arising under any will, settlement or other disposition, the court may if it thinks fit by order approve on behalf of—
- (a) any person having, directly or indirectly, an estate or interest, whether vested or contingent, under the trusts [^{F4F3} or settlements] who by reason of infancy or other incapacity is incapable of assenting; or
 - (b) any person (whether ascertained or not) who may become entitled, directly or indirectly, to an estate or interest under the trusts [^{F4F3} or settlements] as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons so, however, that this paragraph shall not include any person who would be of that description, or a member of that class, as the case may be, if the said date had fallen or the said event had happened at the date of the application to the court; or
 - (c) any person unborn; or
 - (d) any person in respect of any discretionary interest of his under protective trusts where the interest of the principal beneficiary has not failed or determined;
- any arrangement (by whomsoever proposed, and whether or not there is any other person beneficially interested who is capable of assenting thereto) varying or revoking all or any of the trusts [^{F4F3} or settlements] or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts [^{F4F3} or settlements].
- (2) Except by virtue of paragraph (d) of sub-section (1) the court shall not approve an arrangement on behalf of any person unless the carrying out of the arrangement would be for the benefit of that person.

Changes to legislation: There are currently no known outstanding effects for the Trustee Act (Northern Ireland) 1958, Section 57. (See end of Document for details)

- (3) In sub-section (1), “protective trusts” means the trusts^{F3} or settlements] specified in paragraphs (a) and (b) of sub-section (1) of section thirty-four or any like trusts, “the principal beneficiary” has the same meaning as in the said sub-section (1) and “discretionary interest” means an interest arising under the trust specified in paragraph (b) of the said sub-section (1) or any like trust.
- (4) The question whether the carrying out of any arrangement would be for the benefit of a person falling within paragraph (a) of sub-section (1) shall be determined by order of the [^{F5} High Court or the Master (Care and Protection)] if a committee has been appointed of that person's estate.
- (5) Nothing in sub-sections (1) to (4) shall apply to trusts affecting property settled by Act of Parliament.
- (6) Nothing in this section shall be taken to limit the powers conferred by section fifty-six.

F1	1980 NI 3
F2	1962 c. 10 (NI)
F3	2001 c. 14 (NI)
F4	1962 c. 10 (NI)
F5	1978 c. 23

Changes to legislation:

There are currently no known outstanding effects for the Trustee Act (Northern Ireland) 1958, Section 57 .