



Trusts and Succession (Scotland) Act 2024

2024 asp 2

PART 1

TRUSTS

CHAPTER 3

POWERS AND DUTIES OF TRUSTEES

Sale of property

21 Charitable trusts: sale of property

- (1) Except in so far as the trust deed expressly or by implication provides otherwise, the trustees of a charitable trust are not under a duty to achieve best value when selling trust property where—
 - (a) the property being sold is heritable property, and
 - (b) the purchaser is a charity.
- (2) But this section is without prejudice to any duty imposed by the Charities and Trustee Investment (Scotland) Act 2005 to act in the interests of the charity (see, in particular, section 66 of that Act).
- (3) For the purposes of this section, a “charity” is a non-natural person—
 - (a) registered in the Scottish Charity Register,
 - (b) which—
 - (i) is registered as a charity in England and Wales in accordance with section 30 of the Charities Act 2011, or
 - (ii) by virtue of subsection (2) of that section, is not required to register as a charity under that section,
 - (c) which—
 - (i) is registered as a charity in Northern Ireland in accordance with section 16 of the Charities Act (Northern Ireland) 2008, or

Status: This is the original version (as it was originally enacted).

- (ii) by virtue of subsection (2A) of that section, is not required to register as a charity under that section.
- (4) The Scottish Ministers may by regulations modify subsection (3) so as to specify further descriptions of person who are a charity for the purposes of this section.
- (5) Regulations under this section are subject to the affirmative procedure.
- (6) This section—
 - (a) does not apply as respects a trust created before the section comes into force, and
 - (b) is without prejudice to any other power of trustees in relation to the selling of trust property.