



Trusts of Land and Appointment of Trustees Act 1996

1996 CHAPTER 47

PART II

APPOINTMENT AND RETIREMENT OF TRUSTEES

20 [F¹Appointment of substitute for trustee who lacks capacity]

(1) This section applies where—

- (a) a trustee [F²lacks capacity (within the meaning of the Mental Capacity Act 2005) to exercise] his functions as trustee,
- (b) there is no person who is both entitled and willing and able to appoint a trustee in place of him under section 36(1) of the Trustee Act 1925, and
- (c) the beneficiaries under the trust are of full age and capacity and (taken together) are absolutely entitled to the property subject to the trust.

(2) The beneficiaries may give to—

- [F³(a) a deputy appointed for the trustee by the Court of Protection,]
- (b) an attorney acting for him under the authority of [F⁴an enduring power of attorney or lasting power of attorney registered under the Mental Capacity Act 2005]
- (c) a person authorised for the purpose by [F⁵the Court of Protection],
a written direction to appoint by writing the person or persons specified in the direction to be a trustee or trustees in place of the incapable trustee.

Textual Amendments

F1 S. 20 title substituted (1.10.2007) by virtue of [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 42\(3\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)

F2 Words in s. 20(1)(a) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 42\(3\)\(a\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)

Status: Point in time view as at 07/03/2024.

Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996, Section 20. (See end of Document for details)

- F3** S. 20(2)(a) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 42(3)(b)(i)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F4** Words in s. 20(2)(b) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 42(3)(b)(ii)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F5** Words in s. 20(2)(c) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 42(3)(b)(iii)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

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