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Trustee Act 2000

CHAPTER 29

TRUSTEE ACT 2000

PART I

THE DUTY OF CARE

- 1 The duty of care.
- 2 Application of duty of care.

PART II

INVESTMENT

- 3 General power of investment.
- 4 Standard investment criteria.
- 5 Advice.
- 6 Restriction or exclusion of this Part etc.
- 7 Existing trusts.

PART III

ACQUISITION OF LAND

- 8 Power to acquire freehold and leasehold land.
- 9 Restriction or exclusion of this Part etc.
- 10 Existing trusts.

PART IV

AGENTS, NOMINEES AND CUSTODIANS

Agents

- 11 Power to employ agents.

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- 12 Persons who may act as agents.
- 13 Linked functions etc.
- 14 Terms of agency.
- 15 Asset management: special restrictions.

Nominees and custodians

- 16 Power to appoint nominees.
- 17 Power to appoint custodians.
- 18 Investment in bearer securities.
- 19 Persons who may be appointed as nominees or custodians.
- 20 Terms of appointment of nominees and custodians.

Review of and liability for agents, nominees and custodians etc.

- 21 Application of sections 22 and 23.
- 22 Review of agents, nominees and custodians etc.
- 23 Liability for agents, nominees and custodians etc.

Supplementary

- 24 Effect of trustees exceeding their powers.
- 25 Sole trustees.
- 26 Restriction or exclusion of this Part etc.
- 27 Existing trusts.

PART V

REMUNERATION

- 28 Trustee's entitlement to payment under trust instrument.
- 29 Remuneration of certain trustees.
- 30 Remuneration of trustees of charitable trusts.
- 31 Trustees' expenses.
- 32 Remuneration and expenses of agents, nominees and custodians.
- 33 Application.

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

- 34 Power to insure.
- 35 Personal representatives.
- 36 Pension schemes.
- 37 Authorised unit trusts.
- 38 Common investment schemes for charities etc.
- 39 Interpretation.
- 40 Minor and consequential amendments etc.
- 41 Power to amend other Acts.
- 42 Commencement and extent.
- 43 Short title.

SCHEDULES

SCHEDULE 1 — Application of duty of care

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Investment

- 1 The duty of care applies to a trustee—

Acquisition of land

- 2 The duty of care applies to a trustee—

Agents, nominees and custodians

- 3 (1) The duty of care applies to a trustee—

Compounding of liabilities

- 4 The duty of care applies to a trustee—

Insurance

- 5 The duty of care applies to a trustee—

Reversionary interests, valuations and audit

- 6 The duty of care applies to a trustee—

Exclusion of duty of care

- 7 The duty of care does not apply if or in...

SCHEDULE 2 — Minor and consequential amendments

Part I — THE TRUSTEE INVESTMENTS ACT 1961 AND THE CHARITIES ACT 1993

The Trustee Investments Act 1961 (c.62)

- 1 (1) Sections 1, 2, 5, 6, 12, 13 and 15...

The Charities Act 1993 (c.10)

- 2 (1) Omit sections 70 and 71. (2) In section 86(2)...

Part II — OTHER PUBLIC GENERAL ACTS

The Places of Worship Sites Act 1873 (c.50)

- 3 In section 2 (payment of purchase money, etc.) for “shall...

The Technical and Industrial Institutions Act 1892 (c.29)

- 4 In section 9 (investment powers relating to proceeds of sale...

The Duchy of Cornwall Management Act 1893 (c.20)

- 5 The 1893 Act is hereby repealed.

The Duchy of Lancaster Act 1920 (c.51)

- 6 In section 1 (extension of powers of investment of funds...

The Settled Land Act 1925 (c.18)

- 7 In section 21 (absolute owners subject to certain interests to...

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- 8 In section 39 (regulations respecting sales), in subsection (2), in...
- 9 In section 73 (modes of investment or application), in subsection...
- 10 (1) In section 75 (regulations respecting investment, devolution, and income...
- 11 After section 75 insert— Power to accept charge as security...
- 12 Omit section 96 (protection of each trustee individually).
- 13 In section 98 (protection of trustees in particular cases), omit...
- 14 Omit section 100 (trustees' reimbursements).
- 15 In section 102 (management of land during minority or pending...
- 16 (1) In section 104 (powers of tenant for life not...
- 17 In section 107 (tenant for life deemed to be in...

The Trustee Act 1925 (c.19)

- 18 Omit Part I (investments).
- 19 In section 14 (power of trustees to give receipts) in...
- 20 In section 15 (power to compound liabilities), for "in good...
- 21 Omit section 21 (deposit of documents for safe custody).
- 22 In section 22 (reversionary interests, valuations, and audit)—
- 23 Omit section 23 (power to employ agents).
- 24 Omit section 30 (implied indemnity of trustees).
- 25 In section 31(2) (power to invest income during minority) for...

The Land Registration Act 1925 (c.21)

- 26 In section 94(1) (registered land subject to a trust to...

The Administration of Estates Act 1925 (c.23)

- 27 In section 33, in subsection (3) (investment during minority of...
- 28 In section 39 (powers of management) after subsection (1) insert—...

The Universities and College Estates Act 1925 (c.24)

- 29 In section 26 (modes of application of capital money) in...

The Regimental Charitable Funds Act 1935 (c.11)

- 30 In section 2(1) (application of funds held on account of...

The Agricultural Marketing Act 1958 (c.47)

- 31 (1) In section 16 (investment of surplus funds of boards)...

The Horticulture Act 1960 (c.22)

- 32 In section 13 (miscellaneous financial powers of organisations promoting home-grown...

The House of Commons Members' Fund Act 1962 (c.53)

- 33 (1) In section 1 (powers of investment of trustees of...

The Betting, Gaming and Lotteries Act 1963 (c.2)

- 34 In section 25(1) (general powers and duties of the Horserace...

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The Cereals Marketing Act 1965 (c.14)

35 (1) In section 18, in subsection (2) (Home-Grown Cereals Authority's...

The Agriculture Act 1967 (c.22)

36 (1) In section 18, in subsection (2) (Meat and Livestock...

The Solicitors Act 1974 (c.47)

37 In Schedule 2, for paragraph 3 (power of Law Society...

The Policyholders Protection Act 1975 (c.75)

38 In Schedule 1, in paragraph 7, for sub-paragraph (1) (power...

The National Heritage Act 1980 (c.17)

39 In section 6 for subsection (3) (powers of investment of...

The Licensing (Alcohol Education and Research) Act 1981 (c.28)

40 In section 7 (powers of investment of Alcohol Education and...

The Fisheries Act 1981 (c.29)

41 For section 10 (powers of investment of Sea Fish Industry...

The Duchy of Cornwall Management Act 1982 (c.47)

42 For section 1 (powers of investment of Duchy property) substitute—...

43 In— (a) section 6(3) (Duchy of Cornwall Management Acts extended...

The Administration of Justice Act 1982 (c.53)

44 In section 42 (common investment schemes) in subsection (6) for...

The Trusts of Land and Appointment of Trustees Act 1996 (c.47)

45 (1) In section 6 (general powers of trustees), in subsection...

46 In section 9 (delegation by trustees) omit subsection (8).

47 After section 9 insert— Duties of trustees in connection with...

48 Omit section 17(1) (application of section 6(3) in relation to...

49 In Schedule 3 (consequential amendments) omit paragraph 3(4)
(amendment of...

Part III — MEASURES

The Ecclesiastical Dilapidations Measure 1923 (No.3)

50 In section 52, in subsection (5) (investment of sums held...

The Diocesan Stipends Funds Measure 1953 (No.2)

51 In section 4 (application of moneys credited to capital accounts)...

The Church Funds Investment Measure 1958 (No.1)

52 In the Schedule, in paragraph 21 (range of investments of...

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The Clergy Pensions Measure 1961 (No.3)

53 (1) In section 32 (investment powers of Board), in subsection...

The Repair of Benefice Buildings Measure 1972 (No.2)

54 In section 17, in subsection (2) (diocesan parsonages fund's power...

The Pastoral Measure 1983 (No.1)

55 In section 44, for subsection (6) (Redundant Churches Fund's power...

The Church of England (Pensions) Measure 1988 (No.4)

56 Omit section 14(b) (amendment of section 32(3) of the Clergy...

The Cathedrals Measure 1999 (No.1)

57 In section 16 (cathedral moneys: investment powers, etc.), in...

SCHEDULE 3 — Transitional provisions and savings

The Trustee Act 1925 (c.19)

- 1 (1) Sub-paragraph (2) applies if, immediately before the day on...
- 2 The repeal of section 8 of the 1925 Act (loans...
- 3 The repeal of section 9 of the 1925 Act (liability...
- 4 (1) Sub-paragraph (2) applies if, immediately before the day on...
- 5 (1) Sub-paragraph (2) applies if, immediately before the day on...
- 6 The repeal of section 23(2) of the 1925 Act (power...

The Trustee Investments Act 1961 (c.62)

7 (1) A trustee shall not be liable for breach of...

The Cathedrals Measure 1963 (No.2)

8 While section 21 of the Cathedrals Measure 1963 (investment powers,...

SCHEDULE 4 — Repeals

Part I — THE TRUSTEE INVESTMENTS ACT 1961 AND THE CHARITIES ACT
1993

Note: the repeals in this Part of this Schedule have...

Part II — OTHER REPEALS

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