



Trustee Act 1925

1925 CHAPTER 19 15 and 16 Geo 5

PART IV

POWERS OF THE COURT

Appointment of new Trustees

41 Power of court to appoint new trustees.

- (1) The court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient difficult or impracticable so to do without the assistance of the court, make an order appointing a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee.

In particular and without prejudice to the generality of the foregoing provision, the court may make an order appointing a new trustee in substitution for a trustee who . . .^{F1} is [^{F2}incapable, by reason of mental disorder within the meaning of [^{F3}the Mental Health Act 1983], of exercising his functions as trustee], or is a bankrupt, or is a corporation which is in liquidation or has been dissolved.

- (2) The power conferred by this section may, in the case of a deed of arrangement within the meaning of the ^{M1}Deeds of Arrangement Act, 1914, be exercised either by the High Court or by the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed.
- (3) An order under this section, and any consequential vesting order or conveyance, shall not operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have operated.
- (4) Nothing in this section gives power to appoint an executor or administrator.

Textual Amendments

F1 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Trustee Act 1925, Cross Heading: Appointment of new Trustees. (See end of Document for details)

- F2** Words substituted by [Mental Health Act 1959 \(c. 72\)](#), [Sch. 7 Pt. I](#)
F3 Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 4\(b\)](#)

Marginal Citations

- M1** [1914 c. 47.](#)

42 Power to authorise remuneration.

Where the court appoints a corporation, other than the Public Trustee, to be a trustee either solely or jointly with another person, the court may authorise the corporation to charge such remuneration for its services as trustee as the court may think fit.

43 Powers of new trustee appointed by the court.

Every trustee appointed by a court of competent jurisdiction shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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