



2001 CHAPTER 14

PART VI

APPOINTMENT AND RETIREMENT OF TRUSTEES

Provisions supplementary to sections 34 and 35

36.—(1) For the purposes of sections 34 and 35 a direction is given by beneficiaries if—

- (a) a single direction is jointly given by all of them; or
- (b) (subject to subsection (2)) a direction is given by each of them (whether solely or jointly with one or more, but not all, of the others),

and none of them by writing withdraws the direction given by him before it has been complied with.

(2) Where more than one direction is given each must specify for appointment or retirement the same person or persons.

(3) Subsection (7) of section 35 of the Trustee Act (Northern Ireland) 1958 (c. 23) (powers of trustees appointed under that section) applies to a trustee appointed under section 34 or 35 as if he were appointed under that section.

(4) Sections 34 and 35 do not apply in relation to a trust created by a disposition in so far as provision that they do not apply is made by the disposition.

(5) Sections 34 and 35 do not apply in relation to a trust created before the commencement of those sections by a disposition in so far as provision to the effect that they do not apply is made by a deed executed—

- (a) in a case in which the trust was created by one person and he is of full capacity, by that person; or

- (b) in a case in which the trust was created by more than one person, by such of the persons who created the trust as are alive and of full capacity.
- (6) A deed executed for the purposes of subsection (5) is irrevocable.
- (7) Where a deed is executed for the purposes of subsection (5)—
 - (a) it does not affect anything done before its execution to comply with a direction under section 34 or 35; but
 - (b) a direction under section 34 or 35 which has been given but not complied with before its execution shall cease to have effect.