



# Trusts of Land and Appointment of Trustees Act 1996

## 1996 CHAPTER 47

### PART I

#### TRUSTS OF LAND

##### *Functions of trustees of land*

#### **6 General powers of trustees.**

- (1) For the purpose of exercising their functions as trustees, the trustees of land have in relation to the land subject to the trust all the powers of an absolute owner.
- (2) Where in the case of any land subject to a trust of land each of the beneficiaries interested in the land is a person of full age and capacity who is absolutely entitled to the land, the powers conferred on the trustees by subsection (1) include the power to convey the land to the beneficiaries even though they have not required the trustees to do so; and where land is conveyed by virtue of this subsection—
  - (a) the beneficiaries shall do whatever is necessary to secure that it vests in them, and
  - (b) if they fail to do so, the court may make an order requiring them to do so.
- (3) The trustees of land have power to [<sup>F1</sup>acquire land under the power conferred by section 8 of the Trustee Act 2000.]
- <sup>F2</sup>(4) .....
- (5) In exercising the powers conferred by this section trustees shall have regard to the rights of the beneficiaries.
- (6) The powers conferred by this section shall not be exercised in contravention of, or of any order made in pursuance of, any other enactment or any rule of law or equity.

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*Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996, Section 6. (See end of Document for details)*

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- (7) The reference in subsection (6) to an order includes an order of any court or of the [<sup>F3</sup>Charity Commission].
- (8) Where any enactment other than this section confers on trustees authority to act subject to any restriction, limitation or condition, trustees of land may not exercise the powers conferred by this section to do any act which they are prevented from doing under the other enactment by reason of the restriction, limitation or condition.
- <sup>F4</sup>[(9) The duty of care under section 1 of the Trustee Act 2000 applies to trustees of land when exercising the powers conferred by this section.]

#### Textual Amendments

- F1** Words in s. 6(3) substituted (1.2.2001) by 2000 c. 29, s. 40(1), **Sch. 2 Pt. II para. 45(1)** (with s. 35); S.I. 2001/49, **art. 2**
- F2** S. 6(4) repealed (1.2.2001) by 2000 c. 29, s. 40(1)(3), Sch. 2 Pt. II para. 45(2), **Sch. 4 Pt. II** (with s. 35); S.I. 2001/49, **art. 2**
- F3** Words in s. 6(7) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 182**; S.I. 2007/309, art. 2, Sch.
- F4** S. 6(9) inserted (1.2.2001) by 2000 c. 29, s. 40(1), **Sch. 2 Pt. II para. 45(3)** (with s. 35); S.I. 2001/49, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996, Section 6.