



# Trustee Act 2000

## 2000 CHAPTER 29

### PART IV

#### AGENTS, NOMINEES AND CUSTODIANS

##### *Nominees and custodians*

#### **19 Persons who may be appointed as nominees or custodians.**

- (1) A person may not be appointed under section 16, 17 or 18 as a nominee or custodian unless one of the relevant conditions is satisfied.
- (2) The relevant conditions are that—
  - (a) the person carries on a business which consists of or includes acting as a nominee or custodian;
  - (b) the person is a body corporate which is controlled by the trustees;
  - (c) the person is a body corporate recognised under section 9 of the <sup>M1</sup>Administration of Justice Act 1985.
- (3) The question whether a body corporate is controlled by trustees is to be determined in accordance with [<sup>F1</sup>section 1124 of the Corporation Tax Act 2010].
- (4) The trustees of a charitable trust which is not an exempt charity must act in accordance with any guidance given by the [<sup>F2</sup>Charity Commission] concerning the selection of a person for appointment as a nominee or custodian under section 16, 17 or 18.
- (5) Subject to subsections (1) and (4), the persons whom the trustees may under section 16, 17 or 18 appoint as a nominee or custodian include—
  - (a) one of their number, if that one is a trust corporation, or
  - (b) two (or more) of their number, if they are to act as joint nominees or joint custodians.
- (6) The trustees may under section 16 appoint a person to act as their nominee even though he is also—

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*Changes to legislation: There are currently no known outstanding effects for the Trustee Act 2000, Section 19. (See end of Document for details)*

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- (a) appointed to act as their custodian (whether under section 17 or 18 or any other power), or
  - (b) authorised to exercise functions as their agent (whether under section 11 or any other power).
- (7) Likewise, the trustees may under section 17 or 18 appoint a person to act as their custodian even though he is also—
- (a) appointed to act as their nominee (whether under section 16 or any other power), or
  - (b) authorised to exercise functions as their agent (whether under section 11 or any other power).

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#### **Textual Amendments**

- F1** Words in s. 19(3) substituted (1.4.2010 with effect in accordance with s. 1184(1)) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 1 para. 319** (with [Sch. 2](#))
- F2** Words in s. 19(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 197**; [S.I. 2007/309](#), art. 2, [Sch.](#)
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#### **Marginal Citations**

- M1** 1985 c. 61.

**Changes to legislation:**

There are currently no known outstanding effects for the Trustee Act 2000, Section 19.