



Charitable Trusts (Validation) Act 1954

1954 CHAPTER 58

3 Savings for adverse claims, etc.

- (1) Subject to the next following subsection, where a disposition to which this Act applies was made before, and is not confirmed after, the commencement of this Act, the foregoing sections shall not prejudice a person's right, by reason of the invalidity of the disposition, to property comprised in, or representing that comprised in, the disposition as against the persons administering the imperfect trust provision or the persons on whose behalf they do so, unless the right accrued to him or some person through whom he claims more than six years before the sixteenth day of December, nineteen hundred and fifty-two; but the persons administering the imperfect trust provision, and any trustee for them or for the persons on whose behalf they do so, shall be entitled, as against a person whose right to the property is saved by this subsection, to deal with the property as if this subsection had not been passed, unless they have express notice of a claim by him to enforce his right to the property.
- (2) No proceedings shall be begun by any person to enforce his right to any property by virtue of the foregoing subsection after the expiration of one year beginning with the date of the passing of this Act or the date when the right first accrues to him or to some person through whom he claims, whichever is the later, unless the right (before or after its accrual) either—
 - (a) has been concealed by the fraud of some person administering the imperfect trust provision or his agent; or
 - (b) has been acknowledged by some such person or his agent by means of a written acknowledgment given to the person having the right or his agent and signed by the person making it, or by means of a payment or transfer of property in respect of the right;

and if the period prescribed by this subsection for any person to bring proceedings to recover any property expires without his having recovered the property or begun proceedings to do so, his title to the property shall be extinguished.

This subsection shall not be taken as extending the time for bringing any proceedings beyond the period of limitation prescribed by any other enactment.

- (3) For the purposes of the foregoing subsections, a right by reason of the invalidity of a disposition to property comprised in, or representing that comprised in, the disposition shall not be deemed to accrue to anyone so long as he is under a disability or has a future interest only, or so long as the disposition is subject to another disposition made by the same person, and the whole of the property or the income arising from it is held or applied for the purposes of that other disposition.
- (4) Subsections (2) to (4) of section thirty-one of the Limitation Act, 1939 (which define the circumstances in which, for the purposes of that Act, a person is to be deemed to be under a disability or to claim through another person), shall apply for the purposes of the foregoing subsections as they apply for the purposes of that Act.
- (5) Where subsection (1) of this section applies to save a person's right to property comprised in, or representing that comprised in, a disposition, or would have so applied but for some dealing with the property by persons administering the imperfect trust provision, or by any trustee for them or for the persons on whose behalf they do so, the foregoing sections shall not prejudice the first-mentioned person's right by virtue of his interest in the property to damages or other relief in respect of any dealing with the property by any person administering the imperfect trust provision or by any such trustee as aforesaid, if the person dealing with the property had at the time express notice of a claim by him to enforce his right to the property.
- (6) A covenant entered into before the commencement of this Act shall not be enforceable by virtue of this Act unless confirmed by the covenantor after that commencement, but a disposition made in accordance with such a covenant shall be treated for the purposes of this Act as confirming the covenant and any previous disposition made in accordance with it.