10. Trustee appointments

Without assuming prior legal knowledge, books in the Directions series introduce and guide readers through key points of law and legal debate. Questions, diagrams and exercises help readers to engage fully with each subject and check their understanding as they progress. No more than four trustees can be appointed in a private trust of land. The trustees will hold the legal title as joint tenants; if any of them dies, the legal title remains vested in the surviving trustees by 'right of survivorship'. This chapter examines trustee appointments, focusing on cases where a trustee dies or for some other reason ceases to act, and also considers the persons able to appoint trustees and the persons able to act as trustees. The chapter provides an overview of the Trustee Act 1925, and the Trusts of Land and Appointment of Trustees Act 1996. It also considers the principle that a trust does not fail for want of a trustee, how a trustee may disclaim the trust and the modes by which a trustee might retire, or be removed, from the trust. In addition, the chapter looks at the actions of the trustee upon appointment, liability after retirement from the trust,
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removal under ss 36(1) and 41 of the Trustee Act 1925 and removal of the
trustee under the court’s inherent jurisdiction.

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