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. Under the Trustee Act 1925, trustees have the power to make payments out of the trust income for the maintenance of infant beneficiaries, as well as the power to make payments out of trust capital for the advancement and benefit of both infant and adult beneficiaries. However, the express terms of the trust instrument can exclude or modify these provisions. This chapter deals with maintenance and advancement of trust beneficiaries. It examines the extent of the statutory powers of maintenance and advancement, how the statutory powers are excluded or modified by the express terms of the settlement and a valid exercise of the powers of maintenance and advancement. The chapter also considers maintenance with respect to gifts carrying intermediate income, class gifts, tax considerations, perpetuities, and maintenance out of capital money, along
13. Maintenance and advancement

with the meaning of ‘benefit’, exercise of discretion to make an advancement and contrary intention in the trust instrument.