

Trusts and Succession (Scotland) Bill — Stage 2

Section 7

Jeremy Balfour

- 46 In section 7, page 3, leave out line 28

After section 17

Jeremy Balfour

- 47 After section 17, insert—

<Sale of property

Charitable trusts: sale of property

For the avoidance of doubt, the trustees of a charitable trust are not under a duty to achieve best value when selling trust property where—

- (a) the property being sold is heritable property, and
- (b) the purchaser is a charitable trust.>

After section 72

Jeremy Balfour

- 48 After section 72, insert—

<Application to court by survivor for provision on intestacy

In section 29(6) of the Family Law (Scotland) Act 2006 (Application to court by survivor for provision on intestacy), for “6” substitute “12”.>

Section 74

Jeremy Balfour

- 49 In section 74, page 42, line 26, leave out <and 69> and insert <, 69 and (*Determination of capacity*)>

Before section 75

Jeremy Balfour

- 50 Before section 75, insert—

<Determination of capacity

- (1) For the purposes of sections 2(1), 12(2)(b), 40(1), 50(1)(b) and (3), and 76(b)(iii) and (iv) a person is capable unless the court determines that they are not.
- (2) A determination under subsection (1) may be made on application to the court by a person seeking to rely on the provisions of a section specified in subsection (1).>

Section 75

Jeremy Balfour

51 Leave out section 75 and insert—

<Persons who are incapable

- (1) For the purposes of this Act, the Scottish Ministers may by regulations make provision as to the meaning of incapable.
- (2) Regulations under this section are subject to the affirmative procedure.>