



Trustee Act 1925

1925 CHAPTER 19 15 and 16 Geo 5

PART IV

POWERS OF THE COURT

Vesting Orders

55 Orders made upon certain allegations to be conclusive evidence.

Where a vesting order is made as to any land under this Act or under^[F1] sections 15 to 20 of the Mental Capacity Act 2005 or any corresponding provisions having effect in Northern Ireland], founded on an allegation of any of the following matters namely—

- ^[F2](a) that a trustee or mortgagee lacks capacity in relation to the matter in question;
- (b) that a trustee or mortgagee or the personal representative of or other person deriving title under a trustee or mortgagee is out of the jurisdiction of the High Court or cannot be found, or being a corporation has been dissolved; or
- (c) that it is uncertain which of two or more trustees, or which of two or more persons interested in a mortgage, was the survivor; or
- (d) that it is uncertain whether the last trustee or the personal representative of or other person deriving title under a trustee or mortgagee, or the last surviving person interested in a mortgage is living or dead; or
- (e) that any trustee or mortgagee has died intestate without leaving a person beneficially interested under the intestacy or has died and it is not known who is his personal representative or the person interested;

the fact that the order has been so made shall be conclusive evidence of the matter so alleged in any court upon any question as to the validity of the order; but this section does not prevent the court from directing a reconveyance or surrender or the payment of costs occasioned by any such order if improperly obtained.

Changes to legislation: There are currently no known outstanding effects for the Trustee Act 1925, Section 55. (See end of Document for details)

Textual Amendments

- F1** Words in s. 55 substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 3(5)(a)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F2** S. 55(a) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 3(5)(b)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

Changes to legislation:

There are currently no known outstanding effects for the Trustee Act 1925, Section 55.