

Trusts Bill 2025

Amendment during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Minister
for Integrity

1 **Clause 275 (Effect of order made before commencement refusing leave to enforce remedy for wrongful distribution of trust property in particular way)**

Page 169, line 25 to page 170, line 16—

omit, insert—

275 Existing orders refusing leave to enforce remedy for wrongful distribution of trust property in particular way

- (1) This section applies if, before the commencement—
 - (a) a person (the *claimant*) suffered loss because of a trustee's wrongful distribution of trust property; and
 - (b) the claimant applied for the leave of the court, as mentioned in the repealed Act, section 113(2), to enforce a remedy against a person to whom the wrongful distribution was made without first exhausting all remedies that may have been available to the claimant against the trustee; and
 - (c) the court made an order refusing the application for leave (the *relevant order*).
- (2) The claimant may apply to the court to have the relevant order set aside.
- (3) The court must set aside the relevant order if satisfied the claimant had not, before the commencement, started a proceeding against the trustee to enforce a remedy in respect of the wrongful distribution.
- (4) Without limiting section 274(1), to remove any doubt, it is declared that, if the relevant order is set aside under subsection (3), section 143(3) applies to the claimant for the purpose of enforcing a

remedy in respect of the wrongful distribution of
the trust property.

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