

CHAPTER 12

BECOMING A TRUSTEE**4. DUTIES OF A NEW TRUSTEE ON ACCEPTANCE OF A TRUST****Trust provisions**

- 12–35** AT THE END OF THE FIRST SENTENCE INSERT A NEW N.96A: *Nestle v National Westminster Bank plc* [1993] 1 W.L.R. 1260 at 1265, CA (as to powers); *Prudential Staff Pensions Ltd v The Prudential Assurance Co. Ltd* [2011] EWHC 960 (Ch); [2011] N.J.L.R. 597 at [232] (citing this sentence), [235].

AT THE END OF THE TEXT INSERT: But a trustee need not be aware of every possibility inherent in his powers and the extent to which he should go to understand them depends on the duty to exercise reasonable care and skill, and varies according to the circumstances.^{98a}

Trust papers and information

- 12–41** NOTE 10. DELETE AND REPLACE BY: See §§ 23–97 to 23–100, in particular as to the duty of a new trustee to investigate breaches of trust committed by his predecessors.

AFTER § 12–41 ADD THE FOLLOWING NEW PARAGRAPH AND HEADING:

Indemnities to outgoing trustees

- 12–42** An incoming trustee may be called on to grant indemnities to an outgoing trustee. The extent of the power to grant such indemnities is considered elsewhere.¹¹

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^{98a} *Prudential Staff Pensions Ltd v The Prudential Assurance Co. Ltd*, above, at [235].

¹¹ §§ 14–61 to 14–62.