



LIMITATION OF ACTIONS ACT 1974 - SECT 27

Actions in respect of trust property

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(1) A period of limitation prescribed by this Act shall not apply to an action by a beneficiary under a trust, being an action—

(a) in respect of a fraud or fraudulent breach of trust to which the trustee was a party or privy; or

(b) to recover from the trustee trust property or the proceeds thereof in the possession of the trustee, or previously received by the trustee and converted to the trustee's use.

(2) Subject to *subsection (1)*, an action by a beneficiary to recover trust property or in respect of a breach of trust, not being an action for which a period of limitation is prescribed by any other provision of this Act, shall not be brought after the expiration of 6 years from the date on which the right of action accrued.

(2A) Notwithstanding *subsection (2)*, the right of action shall be deemed not to have accrued to a beneficiary entitled to a future interest in the trust property until the interest fell into possession.

(3) A beneficiary as against whom there would be a good defence under this Act shall not derive any greater or other benefit from a judgment or order obtained by any other beneficiary than the beneficiary could have obtained if the beneficiary had brought the action and this Act had been pleaded in defence.