

## **Report on Variation of Trusts**

In its report [LRC63-2000 Report on Variation of Trusts](#), the Law Reform Commission addresses the practical problems which can arise where trustees' powers turn out to be outdated, overly restricted or inadequate. Frequently, it becomes clear that certain necessary powers, which should have been included in the document setting up the trust, have been unintentionally omitted. Examples include the power to sell land or other assets, the power to continue running a business, investment powers or the power to delegate if a trustee is going abroad. Furthermore, the terms of the trust may be wholly inadequate to cope with unanticipated changes in family circumstances, such as an early death or the need to make financial provision for a child with a disability.

At present the courts are unable to respond to these problems, save in four very narrow scenarios. The Report, and its appended draft legislation, significantly widens the jurisdiction of the court and allows for court approval to variations in circumstances not currently catered for. Jurisdiction will be conferred on the High Court, but to ensure that this facility is accessible and cost-efficient, the Commission has also recommended that the Circuit Court be given jurisdiction in relation to smaller trusts.