

# *The Variation of Trusts Act*

*Repealed*  
by [Chapter T-23.01 of the \*Statutes of Saskatchewan, 2009\*](#)  
(effective January 1, 2010)

*Formerly*  
[Chapter V-1 of \*The Revised Statutes of Saskatchewan, 1978\*](#)  
(effective February 26, 1979).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

## CHAPTER V-1

### An Act respecting the Variation of Trusts

#### Short title

1 This Act may be cited as *The Variation of Trusts Act*.

#### Authority of court to approve variation

2(1) Where property, real or personal, is held on trusts arising before or after the coming into force of this Act under any will, settlement or other disposition, the Court of Queen's Bench may, if it thinks fit, by order approve on behalf of:

- (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting;
- (b) any person, whether ascertained or not, who may become entitled, directly or indirectly, to an interest under the trusts as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons;
- (c) any person unborn; or
- (d) any person in respect of any interest of his that may arise by reason of any discretionary power given to anyone on the failure or determination of any existing interest that has not failed or determined;

any arrangement, by whomsoever proposed and whether or not there is any other person beneficially interested who is capable of assenting thereto, varying or revoking all or any of the trusts or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts.

(2) The Court shall not approve an arrangement on behalf of any person coming within clause (a), (b) or (c) of subsection (1) unless the carrying out thereof appears to be for the benefit of that person.

R.S.S. 1978, c.V-1, s.2.