



THE TRUST ACT, 1882



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THE TRUSTS ACT, 1882

¹ACT No. II OF 1882

[13th January, 1882]

An Act to define and amend the law relating to Private Trusts and Trustees.

Preamble. WHEREAS it is expedient to define and amend the law relating to private trusts and trustees; it is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title. Commencement. This Act may be called the²* Trusts Act, 1882; and it shall come into force on the first day of March, 1882.

Local extent. Savings.³[It extends to⁴[the whole of Pakistan.]. But nothing herein contained affects the rules of⁵[Muslim] law as to *waqf*, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, or to trusts to distribute prizes taken in war among the captors; and nothing in the second Chapter of this Act applies to trusts created before the said day.

2. [Repeal of enactments.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sch. II.

3. Interpretation clause. “trust” A “trust” is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by him, for the benefit of another, or of another and the owner:

“author of the trust”: “trustee”: “beneficiary”: “trust property”: “beneficial interest”: “instrument of trust”: the person who reposes or declares the confidence is called the “author of the trust”: the person who accepts the confidence is called the “trustee” : the person for whose benefit the confidence is accepted is called the “beneficiary” : the subject matter of the trust is called “trust-property” or “trust-money” : the “beneficial interest” or “interest” of the beneficiary is his right

¹For Report of the Indian Law Commission on the Private Trusts Bill which they were instructed to consider among others, see Gazette of India, 1880, Supplement, p. 104, and for the Statement of Objects and Reasons, see Gazette of India, 1880, Pt. V, p. 476; for report of the Select Committee, see *ibid.*, Supplement, 1881, p. 766; for further Report of the Select Committee, see *ibid.*, Supplement, 1882, p. 67; for Proceedings in Council, see *ibid.*, Supplement, 1881, p. 687; and *ibid.*, Supplement, 1882, p. 68. This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications; and also extended to the Excluded Area of Upper Tanawal (N. W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified—see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

²The word “Indian” omitted by A. O., 1949, Sch.

³*Subs. ibid.*, for the first sentence of this paragraph, as amended by A. O., 1937.

⁴*Subs.* by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch., for “all the Provinces” (with effect from the 14th October, 1955).

⁵*Subs.* by F. A. O., 1975, Art. 2 and Table, for “Muhammadan”.