

# MALAYSIAN LAW OF TRUSTS

Editor  
DR MOHSIN HINGUN

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# **MALAYSIAN LAW OF TRUSTS**

**EDITOR: DR MOHSIN HINGUN**



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# CHAPTER 10

## POWERS OF TRUSTEES

HALYANI HASSAN\*

The Trustee Act and the trust instrument will impose a number of duties on the trustees. It is mandatory that trustees discharge these duties in the administration of the trust. Similarly some powers will be imposed on the trustees which merely facilitate the administration of the trust and as such they are not mandatory. Since these powers are fiduciary in nature the trustees must consider whether to exercise them or not but as long as they are so considered there is no obligation to exercise them. The Trustee Act contains a number of powers which may be supplemented or modified by express powers to suit the particular needs of the trust.

### **(A) Power of Sale**

The power of sale may be granted expressly or impliedly by the trust instrument, by statute or by an order of the court

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