

A BILL

entitled

TRUSTEE AMENDMENT ACT 2025

WHEREAS it is expedient to amend the Trustee Act 1975 in relation to the investment decision-making powers of trustees;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Trustee Amendment Act 2025.

Amends section 55A

2 Section 55A of the Trustee Act 1975 is amended—

- (a) in subsection (5) by inserting after the words “reasonably suited to” the words “the purposes, terms, distribution requirements and other circumstances of”; and
- (b) by inserting the following after subsection (5)—

“(6) In this section, “other circumstances of the trust” includes the wishes of beneficiaries and settlors, including in respect of investment strategies that align with their views regarding—

- (a) the impact of investments on the environment, wider society in Bermuda or overseas, and otherwise whether in Bermuda or overseas; and
 - (b) appropriate governance related to investments,
- insofar as such wishes or views may be known to the trustee from time to time.”.

TRUSTEE AMENDMENT BILL 2025

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trustee Act 1975 in relation to the investment decision-making powers of trustees.

Clause 1 provides the citation.

Clause 2 amends section 55A (investment powers) to provide clarity on the obligation of a trustee in subsections (4) and (5) to act as a prudent investor would by considering “the purposes, terms, distribution requirements and other circumstances of the trust” when investing or applying trust property. The phrase “other circumstances of the trust” is defined in new subsection (6) to include taking account of the wishes of beneficiaries and settlors, including in respect of investment strategies that align with their views regarding environmental and governance issues, insofar as known to the trustee.