



# Public Trustee and Administration of Funds Act 1986

1986 CHAPTER 57

**E+W**

An Act to make provision with respect to certain functions of the Public Trustee, the Accountant General of the [<sup>F1</sup>Senior Courts] and the Court of Protection as respects the management, protection or administration of the funds and other property and, if under disability the affairs of private persons; and with respect to the investment expenses of the National Debt Commissioners. [7th November 1986]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## Textual Amendments

**F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 4](#); [S.I. 2009/1604, art. 2\(d\)](#)

## *Public Trustee and Funds Administration*

### **1 Public Trustee and Accountant General: appointment, tenure of office etc. **E****

**+W**

- (1) The office of Public Trustee and the office of Accountant General of the [<sup>F1</sup>Senior Courts] may be held by one person.
- (2) The office of Accountant General of the [<sup>F1</sup>Senior Courts] may, but need not, be held by the Permanent Secretary to the Lord Chancellor.

*Changes to legislation: There are currently no known outstanding effects for the Public Trustee and Administration of Funds Act 1986. (See end of Document for details)*

(3) The enactments specified in the Schedule to this Act shall have effect with the amendments specified in that Schedule.

**Textual Amendments**

**F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 4](#); [S.I. 2009/1604, art. 2\(d\)](#)

**F22 Exercise by Public Trustee of functions of Court of Protection. E+W**

**Textual Amendments**

**F2** S. 2 repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 7 \(with ss. 27-29, 62\)](#); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)

**3 Functions of the Public Trustee. E+W**

[<sup>F3</sup>(1) The Public Trustee may exercise the functions of a deputy appointed by the Court of Protection.]

(6) The discharge by the Public Trustee of any functions under this section shall not be treated as the discharge of the duties of his office for the purposes of the following provisions of [<sup>F4</sup>the Public Trustee Act 1906], that is to say—

- <sup>F5</sup>(a) .....
- (b) section 9 (fees); and
- (c) section 10 (appeal to court);

but persons may be appointed as his officers and expenses paid under section 8 and rules may be made under section 114 of that Act for the purposes of this section as for the purposes of that Act.

<sup>F6</sup>(7) .....

**Textual Amendments**

**F3** S. 3(1) substituted (1.10.2007) for s. 3(1)-(5) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 33\(a\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)

**F4** Words in s. 3(6) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 33\(b\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)

**F5** S. 3(6)(a) repealed (7.11.2002) by [2002 c. 35, s. 1\(3\)](#)

**F6** S. 3(7) repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 33\(c\), Sch. 7 \(with ss. 27-29, 62\)](#); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)

**F74 Accountant General’s powers of investment. U.K.**

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*Changes to legislation:* There are currently no known outstanding effects for the Public Trustee and Administration of Funds Act 1986. (See end of Document for details)

**Textual Amendments**

- F7** S. 4 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 1](#) Group 4, Pt. 17, Group 8

*Investment expenses of National Debt Commissioners*

**5 Deduction by National Debt Commissioners of investment expenses of money in court. [U.K.](#)**

- (1) In section 39 of the <sup>M1</sup>Administration of Justice Act 1982 (investment of money in court transferred to National Debt Commissioners) in subsection (2) (payment of excess into Consolidated Fund) after paragraph (b) there shall be inserted the words—

“and

- (c) an amount equal to the expenses incurred by the Commissioners in that year in making investments under subsection (1) above and disposing of investments so made”.

- (2) In subsection (3) of that section (deficiencies to be made good out of the Consolidated Fund) for the words “paragraphs (a) and (b)” there shall be substituted the words “paragraphs (a) to (c) ”.

- (3) After subsection (4) of that section there shall be inserted the following subsection—

“(4A) Any sum deducted by the Commissioners under subsection (2)(c) above shall be applied as an appropriation in aid of moneys provided by Parliament for the expenses of the National Debt Commissioners; and, so far as not so applied, shall be paid into the Consolidated Fund.”

**Marginal Citations**

- M1** 1982 c. 53.

*General*

**6 Short title commencement and extent. [E+W](#)**

- (1) This act may be cited as the Public Trustee and Administration of Funds Act 1986.

<sup>F8</sup>(2) .....

- (3) With the exception of the amendments in the Administration of Justice Act 1982, this Act extends to England and Wales only.

**Textual Amendments**

- F8** S. 6(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 1](#) Group 4, Pt. 17, Group 8

*Changes to legislation: There are currently no known outstanding effects for the Public Trustee and Administration of Funds Act 1986. (See end of Document for details)*

SCHEDULE **E+W**

Section 1.

OFFICES OF PUBLIC TRUSTEE AND ACCOUNTANT GENERAL

*Public Trustee*

1 For subsection (1) of section 8 of the <sup>M2</sup>Public Trustee Act 1906 (appointment and tenure of office of public trustee) there shall be substituted the following—

- “(1) The Lord Chancellor shall appoint such person as he thinks fits to the office of Public Trustee and the person so appointed shall hold and vacate office in accordance with the terms of his appointment.
- (1A) The Public Trustee shall be paid such salary or fees as the Lord Chancellor determines with the consent of the Treasury.
- (1B) If one person holds office both as the Public Trustee and as the Accountant General of the Supreme Court then, if he ceases to be the Accountant General, he shall also cease to be the Public Trustee unless the Lord Chancellor otherwise directs.
- (1C) If a vacancy occurs in the office of Public Trustee or the person appointed to hold office is for any reason unable to act for any period such person as the Lord Chancellor appoints as deputy in that office shall, during the vacancy or that period, perform the functions of that office (and any property vested in the Public Trustee may accordingly be dealt with by the deputy in all respects as if it were vested in him instead).”

**Marginal Citations**

**M2** Edw. 7 c. 55.

*Accountant General of the Supreme Court*

2 In section 93(1) of the <sup>M3</sup>Supreme Court Act 1981 (status of officers for purposes of salary and pension), after the words “Schedule 2” there shall be inserted the words “ or the office of Accountant General of the Supreme Court ”.

**Marginal Citations**

**M3** 1981 c. 54.

3 For subsections (2) and (3) of section 97 of the Supreme Court Act 1981 (office of Accountant General) there shall be substituted the following—

- “(2) The Lord Chancellor shall appoint such person as he thinks fit to the office in the Supreme Court of Accountant General of the Supreme Court and the person so appointed shall hold and vacate office in accordance with the terms of his appointment.
- (3) The Accountant General shall be paid such salary or fees as the Lord Chancellor determines with the consent of the Treasury.

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- (4) If one person holds office both as the Accountant General and as the Public Trustee then, if he ceases to be the Public Trustee, he shall also cease to be the Accountant General unless the Lord Chancellor otherwise directs.
- (5) If a vacancy occurs in the office of Accountant General or the person appointed to hold the office is for any reason unable to act for any period such person as the Lord Chancellor appoints as deputy in that office shall, during the vacancy or that period, perform the functions of that office (and any property vested in the Accountant General may accordingly be dealt with by the deputy in all respects as if it were vested in him instead)."

4 ..... F9

**Textual Amendments**

**F9** Sch. para. 4 repealed by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. 10(2), [Sch. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Trustee and Administration of Funds Act 1986.