



# Public Trustee (Liability and Fees) Act 2002

## 2002 CHAPTER 35

An Act to amend the Public Trustee Act 1906 in respect of the liability and fees of the Public Trustee; and for connected purposes. [7th November 2002]

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:—

### **1 Liability**

- (1) Section 7 of the Public Trustee Act 1906 (c. 55) (liability of Consolidated Fund) is repealed.
- (2) In section 40(2)(h) of the Crown Proceedings Act 1947 (c. 44) (saving for liability imposed by the 1906 Act), the words “or on the Consolidated Fund of the United Kingdom” are repealed.
- (3) Paragraph (a) of section 3(6) of the Public Trustee and Administration of Funds Act 1986 (c. 57) (section 7 of the 1906 Act not to apply) is repealed.

### **2 Fees**

- (1) In section 9 of the Public Trustee Act 1906 (fees charged by public trustee)—
  - (a) in subsection (1), for the words from “as the Treasury with” to the end there is substituted “as the Lord Chancellor may fix.”,
  - (b) in subsection (3) the words “, under the regulations of the Treasury,” are repealed, and
  - (c) subsection (4) is repealed.

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*Changes to legislation: There are currently no known outstanding effects for the Public Trustee (Liability and Fees) Act 2002. (See end of Document for details)*

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- (2) In section 138 of the Law of Property Act 1925 (c. 20) (power to nominate a trust corporation to receive notices), in subsection (11) for “by the Treasury, with the sanction of the Lord Chancellor,” there is substituted “by the Lord Chancellor”.
- (3) In section 1(1) of the Public Trustee (Fees) Act 1957 (c. 12) (orders fixing fees under section 9(1) of the 1906 Act)—
  - (a) for “Treasury” in each place there is substituted “Lord Chancellor”, and
  - (b) the words “, with the sanction of the Lord Chancellor,” are repealed.
- (4) In section 19(5)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 (c. 36) (application of section 9(1), (3) and (4) of the 1906 Act), for “, (3) and (4)” there is substituted “and (3)”.

### **3 Short Title and extent**

- (1) This Act may be cited as the Public Trustee (Liability and Fees) Act 2002.
- (2) This Act does not extend to Scotland or Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Trustee (Liability and Fees) Act 2002.