



# Public Trustee Act 1906

## 1906 CHAPTER 55

### *SUPPLEMENTAL PROVISIONS AS TO PUBLIC TRUSTEE*

#### **10 Appeal to the court**

- (1) A person aggrieved by any act or omission or decision of the public trustee in relation to any trust may apply to the court, and the court may make such order in the matter as the court thinks just.
- (2) Subject to rules of court, an application under this section to the High Court shall be made to a judge of the Chancery Division of the High Court in Chambers.

#### **11 Mode of action of public trustee**

- (1) The public trustee shall not, nor shall any of his officers, act under this Act for reward, except as provided by this Act.
- (2) The public trustee may, subject to the rules made under this Act, employ for the purposes of any trust such solicitors, bankers, accountants, and brokers, or other persons as he may consider necessary, and in determining the persons to be so employed in relation to any trust the public trustee shall have regard to the interests of the trust, but subject to this shall, whenever practicable, take into consideration the wishes of the creator of the trust and of the other trustees (if any), and of the beneficiaries, either expressed or as implied by the practice of the creator of the trust, or in the previous management of the trust.
- (3) On behalf of the public trustee such person as may be prescribed may take any oath, make any declaration, verify any account, give personal attendance at any court or place, and do any act or thing whatsoever which the public trustee is required or authorised to take, make, verify, give, or do : Provided that nothing in this Act or in any rule made under this Act shall confer upon any person not otherwise entitled thereto any right to appear, or act, or be heard in or before any court or tribunal, on behalf or instead of the public trustee, or to do any act whatsoever on behalf or on the instructions of the public trustee, which could otherwise only be lawfully done by a barrister or a duly certificated solicitor.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) Where any bond or security would be required from a private person upon the grant to him of administration, or upon his appointment to act in any capacity, the public trustee, if administration is granted to him or if he is appointed to act in such capacity as aforesaid, shall not be required to give such bond or security, but shall be subject to the same liabilities and duties as if he had given such bond or security.
- (5) The entry of the public trustee by that name in the books of a company shall not constitute notice of a trust, and a company shall not be entitled to object to enter the name of the public trustee on its books by reason only that the public trustee is a corporation, and, in dealings with property, the fact that the person or one of the persons dealt with is the public trustee, shall not of itself constitute notice of a trust.

## **12 Application of Act to palatine courts**

The provisions of this Act with respect to the High Court shall, in their application to cases within the jurisdiction of a palatine court, include that court, and the public trustee shall provide an address within the county palatine where service upon him of any proceedings under this Act in such palatine court may be effected ; the rules of court relating to the exercise of the jurisdiction of a palatine court under this Act shall be made by the authority having power to make general rules and orders of that court.