

## 1971 No. 1894

## TRUSTEES

## The Public Trustee (Custodian Trustee) Rules 1971

<i>Made</i>	- - -	18th November 1971
<i>Laid before Parliament</i>		29th November 1971
<i>Coming into Operation</i>		1st January 1972

The Lord Chancellor, in exercise of the powers conferred on him by section 14(1) of the Public Trustee Act 1906(a), and with the concurrence of the Treasury, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Public Trustee (Custodian Trustee) Rules 1971 and shall come into operation on 1st January 1972.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. The rules listed in the schedule to these Rules are hereby revoked.

3. The following rule shall be substituted for Rule 30 of the Public Trustee Rules 1912(c), as amended (d):—

*“Corporate Bodies as Custodian Trustees*

30. The following corporations shall be entitled to act as custodian trustees:—

(a) The Solicitor for the affairs of Her Majesty’s Treasury;

(b) Any corporation which is constituted under the law of the United Kingdom or of any part thereof and having a place of business there and which is empowered by its constitution to undertake trust business (which for the purpose of this rule means the business of acting as trustee under wills and settlements and as executor and administrator), and which is:—

- (i) a company incorporated by special Act or Royal Charter, or
- (ii) a company registered (whether with or without limited liability) under the Companies Act 1948(e) and having a capital (in stock or shares) for the time being issued of not less than £250,000, of which not less than £100,000 has been paid up in cash, or
- (iii) a company registered without limited liability under the Companies Act 1948 of which one of the members is a company within any of the classes hereinbefore defined;

(a) 1906 c. 55.

(c) S.R. & O. 1912/348 (Rev. XXIII, p. 311: 1912, p. 1231).

(d) The relevant amending instruments are S.R. & O. 1926/1423, 1941/1534, S.I. 1948/2188 (Rev. XXIII, p. 311: 1926, p. 1350; 1941 I, p. 1145; 1948 I, p. 4390); S.I. 1957/2201, 1962/1001 (1957 II, p. 2577; 1962 II, p. 1143).

(b) 1889 c. 63.

(e) 1948 c. 38.

(c) Any corporation which is incorporated by special Act or Royal Charter or under the Charitable Trustees Incorporation Act 1872(a) which is empowered by its constitution to act as a trustee for any charitable purposes, but only in relation to trusts in which its constitution empowers it to act;

(d) Any corporation which is constituted under the law of the United Kingdom or of any part thereof and having its place of business there, and which is either:—

- (i) established for the purpose of undertaking trust business for the benefit of Her Majesty's Navy, Army, Air Force or Civil Service or of any unit, department, member or association of members thereof, and having among its directors or members any persons appointed or nominated by the Defence Council or any Department of State or any one or more of those Departments, or
- (ii) authorised by the Lord Chancellor to act in relation to any charitable ecclesiastical or public trusts as a trust corporation, but only in connection with any such trust as is so authorised;

(e) Any Regional Hospital Board, Board of Governors of a teaching hospital or Hospital Management Committee constituted under the National Health Service Acts 1946 to 1968, but only in relation to any trust which such a Board or Committee is authorised to accept by virtue of section 59 of the said Act of 1946;

(f) Any Area Gas Board and the Gas Council established under the Gas Act 1948(b), or any two or more of them jointly, but only in relation to a pension scheme or pension fund established or maintained by any such Board or that Council, or any two or more of them jointly, by virtue of the powers conferred on them by that Act;

(g) Any of the following, namely—

- (i) the Greater London Council,
- (ii) the corporation of any borough (including a borough included in a rural district) acting by the council,
- (iii) a county council, urban district council, rural district council or parish council, or
- (iv) the Council of the Isles of Scilly,

but only in relation to charitable or public trusts (and not ecclesiastical or eleemosynary trusts) for the benefit of the inhabitants of the area of the local authority concerned and its neighbourhood, or any part of that area.”

Dated 15th November 1971.

*Hailsham of St. Marylebone, C.*

We concur,

Dated 18th November 1971.

*V. H. Goodhew,*

*P. L. Hawkins,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

## SCHEDULE

## RULES REVOKED

<i>Title</i>	<i>Reference</i>
Public Trustee (Custodian Trustee) Rules 1926	S.R. & O. 1926/1423 (Rev. XXIII, p. 311: 1926, p. 1350)
Public Trustee (Custodian Trustee) Rules 1941	S.R. & O. 1941/1534 (Rev. XXIII, p. 311: 1941 I, p. 1145)
Public Trustee (Custodian Trustee) Rules 1948	S.I. 1948/2188 (Rev. XXIII, p. 311: 1948 I, p. 4390)
Public Trustee (Custodian Trustee) Rules 1957	S.I. 1957/2201 (1957 II, p. 2577)
Public Trustee (Custodian Trustee) Rules 1962	S.I. 1962/1001 (1962 II, p. 1143)

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules supersede the various rules amending Rule 30 of the Public Trustee Rules 1912, which specifies the corporations which may act as custodian trustees under the Public Trustee Act 1906, and thus as trust corporations. A new Rule 30 is inserted which differs from the old in that, first, local authorities generally, and not just parish councils, are entitled to act as custodian trustees of charitable and public (but not ecclesiastical or eleemosynary) trusts affecting their areas, and secondly, all corporations incorporated by special Act or Royal Charter, or under the Charitable Trustees Incorporation Act 1872, whose constitutions empower them to act as trustees for any charitable trusts, are entitled to act as custodian trustees in relation to such trusts.