



# Public Trustee Act 1906

1906 CHAPTER 55 6 Edw 7

LIABILITY: OFFICERS AND OFFICES: FEES

F17 .....

## Textual Amendments

F1 S. 7 repealed (7.11.2002) by 2002 c. 35, s. 1(1)

## 8 Officers and offices.

[<sup>F2</sup>(1) The Lord Chancellor shall appoint such person as he thinks fit 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 [<sup>F3</sup>Senior Courts] 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).]

(2) The Lord Chancellor shall appoint such persons to be officers of the public trustee as, subject to the sanction of the Treasury, he may consider necessary for the purposes of this Act, and those officers shall hold office upon such terms, and be remunerated at such rates and in such manner, as the Treasury may sanction.

(3) Any person appointed to be public trustee or an officer of the public trustee may, and shall, if the Treasury so require, be a person already in the public service.

*Changes to legislation: There are currently no known outstanding effects for the Public Trustee Act 1906, Liability: Officers and Offices: Fees. (See end of Document for details)*

- (4) The public trustee shall, if so directed by the Lord Chancellor with the concurrence of the Treasury, maintain offices in London and elsewhere, and, so far as practicable, buildings already used for public purposes shall be used for such offices.
- (5) The salary or remuneration of the public trustee and his officers and such other expenses of executing his office or otherwise carrying this Act into effect as may be sanctioned by the Treasury shall be paid out of moneys provided by Parliament.

#### Textual Amendments

- F2** S. 8(1)(1A)(1B)(1C) substituted by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), s. 1(3), [Sch. para. 1](#)
- F3** 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)

#### Modifications etc. (not altering text)

- C1** S. 8(5) amended by [Administration of Justice Act 1965 \(c. 2\)](#), s. 2(1)(a) (and the said s. 2(1)(a) was repealed (13.6.1991) by [Administration of Justice Act 1982 c. 53](#), s. 75(1), [Sch. 9 Pt. I](#); S.I. 1991/1245, art. 2(a)(i))
- C2** S. 8(5) extended (1.7.1995) by [1994 c. 36](#), s. 19(5)(a); S.I. 1995/1317 art. 2

## 9 Fees charged by public trustee.

- (1) There shall be charged in respect of the duties of the public trustee such fees, whether by way of percentage or otherwise, [<sup>F4</sup>as the Lord Chancellor may fix.].
- (2) Any expenses which might be retained or paid out of the trust property if the public trustee were a private trustee shall be so retained or paid, and the fees shall be retained or paid in the like manner as and in addition to such expenses.
- (3) Such fees shall <sup>F5</sup>. . . be applied as an appropriation in aid of moneys provided by Parliament for expenses under this Act, and so far as not so applied shall be paid into the Exchequer.
- <sup>F6</sup>(4) . . . . .
- (5) The incidence of [<sup>F7</sup>any expenses retained or paid] under this section as between capital and income shall be determined by the public trustee.

#### Textual Amendments

- F4** Words in s. 9(1) substituted (7.11.2002) by [2002 c. 35](#), s. 2(1)(a)
- F5** Words in s. 9(3) repealed (7.11.2002) by [2002 c. 35](#), s. 2(1)(b)
- F6** [S. 9\(4\)](#) repealed (7.11.2002) by [2002 c. 35](#), s. 2(1)(c)
- F7** Words substituted by [Public Trustee \(Fees\) Act 1957 \(c. 12\)](#), s. 1(5)

#### Modifications etc. (not altering text)

- C3** [S. 9](#) modified by [Covent Garden Market Act 1961 \(c. 49\)](#), s. 14(4)
- C4** [S. 9\(1\)](#) amended by [Public Trustees \(Fees\) Act 1957 \(c. 12\)](#), s. 1(1) and [Administration of Justice Act 1965 \(c. 2\)](#), s. 2(1)(b) (which [Administration of Justice Act 1965 c.2](#), s. 2(1)(b) was repealed (13.6.1991) by [Administration of Justice Act 1982 c. 53](#), s. 75(1), [Sch. 9 Pt. I](#); S.I. 1991/1245 art. 2(a)(i))

---

**Changes to legislation:** There are currently no known outstanding effects for the Public Trustee Act 1906, Liability: Officers and Offices: Fees. (See end of Document for details)

---

- C5** S. 9(1)(3) extended (1.7.1995) by 1994 C. 36, s. 19(5)(b); S.I. 1995/1317 art. 2
- C6** S. 9(3) amended by Administration of Justice Act 1965 (c. 2), s. 2(1)(c) (which Administration of Justice Act 1965 (c. 2), s. 2(1)(c) was repealed (13.6.1991) by Administration of Justice Act 1982 c. 53, s. 75(1), Sch. 9 Pt. I; S.I. 1991/1245, art. 2(a)(i))

**Changes to legislation:**

There are currently no known outstanding effects for the Public Trustee Act 1906, Liability:  
Officers and Offices: Fees.