



Judicial Trustees Act 1896

1896 CHAPTER 35 59 and 60 Vict

An Act to provide for the appointment of judicial trustees and otherwise to amend the law respecting the administration of trusts and the liability of trustees.
[14th August 1896]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1 Power of court on application to appoint judicial trustee.

- (1) Where application is made to the court by or on behalf of the person creating or intending to create a trust, or by or on behalf of a trustee or beneficiary, the court may, in its discretion, appoint a person (in this Act called a judicial trustee) to be a trustee of that trust, either jointly with any other person or as sole trustee, and, if sufficient cause is shown, in place of all or any existing trustees.
- (2) The administration of the property of a deceased person, whether a testator or intestate, shall be a trust, and the executor or administrator a trustee, within the meaning of this Act.
- (3) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee, and, in the absence of such nomination, or if the court is not satisfied of the fitness of a person so nominated, an official of the court may be appointed, and in any case a judicial trustee shall be subject to the control and supervision of the court as an officer thereof.
- (4) The court may, either on request or without request, give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.
- (5) There may be paid to a judicial trustee out of the trust property such remuneration, not exceeding the prescribed limits, as the court may assign in each case, subject to any rules under this Act respecting the application of such remuneration where the judicial trustee is an official of the court, and the remuneration so assigned to any judicial trustee shall, save as the court may for special reasons otherwise order, cover all his work and personal outlay.

Changes to legislation: There are currently no known outstanding effects for the Judicial Trustees Act 1896. (See end of Document for details)

(6) . . . ^{F1}, in any case where the court shall so direct, an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee, shall be made in the prescribed manner.

[^{F2}(7) Where an application relating to the estate of a deceased person is made to the court under this section, the court may, if it thinks fit, proceed as if the application were, or included, an application under section 50 of the Administration of Justice Act 1985 (power of High Court to appoint substitute for, or to remove, personal representative).]

Textual Amendments
F1 Words repealed by [Administration of Justice Act 1982 \(c. 53, SIF 34, 37\)](#), s. 57(1), [Sch. 9 Pt. I](#)
F2 [S. 1\(7\)](#) added by [Administration of Justice Act 1985 \(c. 61, SIF 37\)](#), ss. 50(6), 69(5), [Sch. 9 para. 10](#)

2 Court to exercise jurisdiction.

The jurisdiction of the court under this Act may be exercised by the High Court, . . . ^{F3}, and (subject to the prescribed definition of the jurisdiction) by any county court judge to whom such jurisdiction may be assigned under this Act.

Textual Amendments
F3 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. II](#)

3 ^{F4}

Textual Amendments
F4 [S. 3](#) repealed by [Trustee Act 1925 \(c. 19\)](#), [Sch. 2](#)

4 Rules.

- (1) Rules may be made for carrying into effect this Act, and especially—
- (1) for requiring judicial trustees, who are not officials of the court, to give security for the due application of any trust property under their control:
- (2) respecting the safety of the trust property, and the custody thereof:
- (3) respecting the remuneration of judicial trustees and for fixing and regulating the fees to be taken under this Act so as to cover the expenses of the administration of this Act, and respecting the payment of such remuneration and fees out of the trust property, and, where the judicial trustee is an official of the court, respecting the application of the remuneration and fees payable to him:
- (4) for dispensing with formal proof of facts in proper cases:
- (5) for facilitating the discharge by the court of administrative duties under this Act without judicial proceedings and otherwise regulating procedure under this Act and making it simple and inexpensive:

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- (6) for assigning jurisdiction under this Act to county court judges and defining such jurisdiction:
- (7) respecting the suspension or removal of any judicial trustee, and the succession of another person to the office of any judicial trustee who may cease to hold office, and the vesting in such person of any trust property:
- (8) respecting the classes of trusts in which officials of the court are not to be judicial trustees, or are to be so temporarily or conditionally:
- (9) respecting the procedure to be followed where the judicial trustee is executor or administrator:
- (10) for preventing the employment by judicial trustees of other persons at the expense of the trust, except in cases of strict necessity:
- [^{F5}(11) for the preparation, auditing (by the court or otherwise) and filing of the accounts of any trust of which a judicial trustee has been appointed;
- (12) for the making of a report to the court on the accounts of any such trust.]
- [^{F6}(1A) The rules under this Act may make different provision for different classes of trust, trustees, beneficiaries or trust property.]
- (2) The rules under this Act may be made by the Lord Chancellor, subject to the consent of the Treasury in matters relating to fees and to salaries and numbers of officers, and to the consent of the authority for making orders under the ^{M1}Solicitors Remuneration Act, 1881, in matters relating to the remuneration of solicitors. The rules shall be laid before Parliament and . . . ^{F7}if, within thirty days after such rules have been laid before either House of Parliament during which that House has sat, the House presents to Her Majesty an address against such rules or any of them, such rules or the rule specified in the address shall thenceforward be of no effect.

Textual Amendments

- F5** S. 4(1) paragraphs (11)(12) substituted by [Administration of Justice Act 1982 \(c. 53, SIF 39\), s. 57\(2\)](#)
- F6** S. 4(1A) inserted by [Administration of Justice Act 1982 \(c. 53, SIF 39\), s. 57\(3\)](#)
- F7** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XII](#)

Modifications etc. (not altering text)

- C2** S. 4(2) amended by [Statutory Instruments Act 1946 \(c. 36\), s. 5\(2\)](#)

Marginal Citations

- M1** 1881 c. 44.

5 Definitions.

In this Act—

The expression “official of the court” means the holder of such paid office in or connected with the court as may be prescribed.

The expression “prescribed” means prescribed by rules under this Act.

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6 †Short title, extent and commencement of Act.

- (1) This may be cited as the Judicial Trustees Act, 1896.
- (2) This Act shall not extend to any charity, . . . ^{F8}
- (3) This Act shall not extend to Scotland or Ireland.
- (4) ^{F9}

Textual Amendments

F8 Words repealed by [Charities Act 1960 \(c. 58\)](#), s. 48(2), **Sch. 7 Pt. I**

F9 [S. 6\(4\)](#) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

Modifications etc. (not altering text)

C3 A dagger appended to a marginal note means that it is no longer accurate

Changes to legislation:

There are currently no known outstanding effects for the Judicial Trustees Act 1896.