



Public Trustee Act 1906

1906 CHAPTER 55 6 Edw 7

POWERS AND DUTIES OF PUBLIC TRUSTEE

2 General powers and duties of public trustee.

- (1) Subject to and in accordance with the provisions of this Act and rules made thereunder, the public trustee may, if he thinks fit—
 - (a) act in the administration of estates of small value;
 - (b) act as custodian trustee;
 - (c) act as an ordinary trustee;
 - (d) be appointed to be a judicial trustee;
 - (e)^{F1}
- (2) Subject to the provisions of this Act, and to the rules made thereunder, the public trustee may act either alone or jointly with any person or body of persons in any capacity to which he may be appointed in pursuance of this Act, and shall have all the same powers, duties, and liabilities, and be entitled to the same rights and immunities and be subject to the control and orders of the court, as a private trustee acting in the same capacity.
- (3) The public trustee may decline, either absolutely or except on the prescribed conditions, to accept any trust, but he shall not decline to accept any trust on the ground only of the small value of the trust property.
- (4) The public trustee shall not accept any trust which involves the management or carrying on of any business, except in the cases in which he may be authorised to do so by rules made under this Act^{F2} . . . , nor the administration of any estate known or believed by him to be insolvent.
- (5) The public trustee shall not accept any trust exclusively for religious or charitable purposes, and nothing in this Act contained, or in the rules to be made under the powers in this Act contained, shall abridge or affect the powers or duties of the official trustee of charity lands or official trustees of charitable funds.

Changes to legislation: There are currently no known outstanding effects for the Public Trustee Act 1906, Section 2. (See end of Document for details)

Textual Amendments

- F1** S.2(1)(e) repealed by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. I**
- F2** Words in [s. 2\(4\)](#) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(2)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)

Modifications etc. (not altering text)

- C1** Functions of official trustee of charity lands and of official trustees of charitable funds now exercisable by official custodian for charities: [Charities Act 1960 \(c. 58\)](#), **s. 48(6)**

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