



Public Trustee Act 1906

1906 CHAPTER 55 6 Edw 7

POWERS AND DUTIES OF PUBLIC TRUSTEE

(3) As an ordinary Trustee

5 Appointment of public trustee to be trustee, executor, &c. E+W

- (1) The public trustee may by that name, or any other sufficient description, be appointed to be trustee of any will or settlement or other instrument creating a trust or to perform any trust or duty belonging to a class which he is authorised by the rules made under this Act to accept, and may be so appointed whether the will or settlement or instrument creating the trust or duty was made or came into operation before or after the passing of this Act, and either as an original or as a new trustee, or as an additional trustee, in the same cases, and in the same manner, and by the same persons or court, as if he were a private trustee, with this addition, that, though the trustees originally appointed were two or more, the public trustee may be appointed sole trustee.
- (2) Where the public trustee has been appointed a trustee of any trust, a co-trustee may retire from the trust under and in accordance with [^{F1}section 39 of the ^{M1}Trustee Act 1925], notwithstanding that there are not more than two trustees, and without such consents as are required by that section.
- (3) The public trustee shall not be so appointed either as a new or additional trustee where the will, settlement, or other instrument creating the trust or duty contains a direction to the contrary, unless the court otherwise order.
- (4) Notice of any proposed appointment of the public trustee either as a new or additional trustee shall where practicable be given in the prescribed manner to all persons beneficially interested who are resident in the United Kingdom and whose addresses are known to the persons proposing to make the appointment, or, if such beneficiaries are infants, to their guardians, and if any person to whom such notice has been given within twenty-one days from the receipt of the notice applies to the court, the court may, if having regard to the interests of all the beneficiaries it considers it expedient to do so, make an order prohibiting the appointment being made, provided that a failure to give any such notice shall not invalidate any appointment made under this section.

Changes to legislation: There are currently no known outstanding effects for the Public Trustee Act 1906, Cross Heading: (3) As an ordinary Trustee. (See end of Document for details)

Textual Amendments

F1 Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)

Marginal Citations

M1 [1925 c. 19.](#)

6 Power as to granting probate. E+W

- (1) If in pursuance of any rule under this Act, the public trustee is authorised to accept by that name probates of wills or letters of administration, the court having jurisdiction to grant probate of a will or letters of administration may grant such probate or letters to the public trustee by that name, and for that purpose the court shall consider the public trustee as in law entitled equally with any other person or class of persons to obtain the grant of letters of administration, save that the consent or citation of the public trustee shall not be required for the grant of letters of administration to any other person, and that, as between the public trustee and the widower, widow^[F2], surviving civil partner] or next-of-kin of the deceased, the widower, widow^[F2], surviving civil partner] or next-of-kin shall be preferred, unless for good cause shown to the contrary.
- (2) Any executor who has obtained probate or any administrator who has obtained letters of administration, and notwithstanding he has acted in the administration of the deceased's estate, may, with the sanction of the court, and after such notice to the persons beneficially interested as the court may direct, transfer such estate to the public trustee for administration either solely or jointly with the continuing executors or administrator, if any. And the order of the court sanctioning such transfer shall, subject to the provisions of this Act, give to the public trustee all the powers of such executor and administrator, and such executor and administrator shall not be in any way liable in respect of any act or default in reference to such estate subsequent to the date of such order, other than the act or default of himself or of persons other than himself for whose conduct he is in law responsible.

Textual Amendments

F2 Words in s. 6(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 4 para. 6; S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Trustee Act 1906, Cross
Heading: (3) As an ordinary Trustee.