



# Public Trustee Act 1906

1906 CHAPTER 55 6 Edw 7

LIABILITY: OFFICERS AND OFFICES: FEES

## 7 Liability of Consolidated Fund.

- (1) The Consolidated Fund of the United Kingdom shall be liable to make good all sums required to discharge any liability which the public trustee, if he were a private trustee, would be personally liable to discharge, except where the liability is one to which neither the public trustee nor any of his officers has in any way contributed, and which neither he nor any of his officers could by the exercise of reasonable diligence have averted, and in that case the public trustee shall not, nor shall the Consolidated Fund, be subject to any liability.
- (2) All sums payable in pursuance of this section out of the Consolidated Fund shall be charged on and issued out of that fund . . . <sup>F1</sup>

### Textual Amendments

**F1** Words repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)

## 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 Supreme Court 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

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*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)*

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.
- (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](#)

#### 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. 1](#); 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, as the Treasury with the sanction of the Lord Chancellor may fix, and such fees shall be collected and accounted for by such persons, and in such manner, and shall be paid to such account, as the Treasury direct.
- (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, under the regulations of the Treasury, 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.
- (4) The fees under this section shall be arranged from time to time so as to produce an annual amount sufficient to discharge the salaries and other expenses incidental to the working of this Act (including such sum as the Treasury may from time to time determine to be required to insure the Consolidated Fund against loss under this Act) and no more.
- (5) The incidence of [<sup>F3</sup>any expenses retained or paid] under this section as between capital and income shall be determined by the public trustee.

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### Textual Amendments

**F3** Words substituted by [Public Trustee \(Fees\) Act 1957 \(c. 12\), s. 1\(5\)](#)

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### 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))
- C5** [S. 9\(1\)\(3\)\(4\)](#) extended (1.7.1995) by 1994 C. 36, s. 19(5)(b); S.I. 1995/1317 art. 2
- C6** [S. 9\(3\)\(4\)](#) 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\(a\)\(i\)](#))

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