



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

ACTS SUPPLEMENT

Published by Authority

NO. 48]

FRIDAY, DECEMBER 19

[2014

First published in the *Government Gazette*, Electronic Edition, on 19th December 2014 at 5:00 pm.

The following Act was passed by Parliament on 3rd November 2014 and assented to by the President on 12th December 2014:—

REPUBLIC OF SINGAPORE

No. 44 of 2014.

I assent.

TONY TAN KENG YAM,
President.
12th December 2014.



An Act to amend the Public Trustee Act (Chapter 260 of the 1985 Revised Edition) and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Public Trustee (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Public Trustee Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the words “Public Trustee” in the definition of “Board”;

(b) by deleting the definition of “common fund” and substituting the following definition:

“ “Common Fund” means the common fund referred to in section 10;” and

(c) by inserting, immediately after the definition of “private trustee”, the following definition:

“ “Reserve Fund” means the fund established under section 15A;”.

Amendment of section 3

3. Section 3 of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) The Minister may appoint such fit and proper persons to be Deputy Public Trustees, Assistant Public Trustees and other officers of the Public Trustee as the Minister considers necessary for the purposes of this Act.

(2A) The Deputy Public Trustees, Assistant Public Trustees and other officers of the Public Trustee are to hold office on such terms as the Minister may determine.

(2B) Any reference in this Act or in any other written law to officer or officers of the Public Trustee includes a reference to a Deputy Public Trustee and an Assistant Public Trustee.”.

Amendment of section 4

4. Section 4 of the principal Act is amended by deleting subsection (5) and substituting the following subsections:

“(5) Subject to any conditions or restrictions imposed by the Minister in writing, the Public Trustee may authorise in writing any Deputy Public Trustee or Assistant Public Trustee to exercise all or any of the powers, and perform all or any of the duties, of the Public Trustee conferred by or under any written law, except this power of authorisation.

(6) Every Deputy Public Trustee or Assistant Public Trustee who is authorised under subsection (5) to exercise any power or perform any duty of the Public Trustee must, when exercising that power or performing that duty, comply with the directions of the Public Trustee.

(7) Any reference in this Act or in any other written law to the Public Trustee includes a reference to a Deputy Public Trustee and an Assistant Public Trustee authorised under subsection (5), unless the context otherwise requires.

(8) Subject to the sanction of and any direction given by the Board, the Public Trustee may authorise any person as his agent to carry out any of his functions under section 10 and the rules made for the purpose of that section.”.

Amendment of section 5

5. Section 5 of the principal Act is amended —

- (a) by deleting the words “next friend” in subsection (1) and substituting the words “litigation representative”; and
- (b) by deleting subsections (2) and (3) and substituting the following subsections:

“(2) In any suit or proceeding in which a minor is a party or in which it becomes necessary to add a minor as a party to the suit or proceeding, the court may, of its own motion or on the application of the Public Trustee or any other person, appoint the Public Trustee to act as

litigation representative of the minor in the suit or proceeding.

(3) A court is to consider the views of the Public Trustee before deciding whether to appoint the Public Trustee as litigation representative of a minor —

- (a) on the application of a person other than the Public Trustee under subsection (1);
- (b) of its own motion under subsection (2); or
- (c) on the application of a person other than the Public Trustee under subsection (2).”.

Amendment of section 6

6. Section 6 of the principal Act is amended —

- (a) by deleting the words “by the court” in subsection (1);
- (b) by deleting “\$5,000” in subsection (1) and substituting the words “the prescribed amount”;
- (c) by deleting subsection (2) (including the marginal note to the subsection) and substituting the following subsection:

“(2) On the Public Trustee undertaking, by declaration in writing signed and sealed by him, to administer the estate, the trust property shall, by virtue of this Act, vest in the Public Trustee.”;

- (d) by deleting subsection (6) (including the marginal note to the subsection) and substituting the following subsections:

“(6) Where proceedings have been instituted in any court for the administration of an estate, the court may order that the estate be administered by the Public Trustee, subject to such directions as the court may give, where —

- (a) by reason of the small value of the estate, it appears to the court that the estate can be more economically administered by the Public Trustee than by any other person; or

(b) for any other reason, it appears to the court that it is expedient that the estate should be administered by the Public Trustee instead of any other person.

(6A) The court must not make any order under subsection (6) without having considered the views of the Public Trustee on the matter.

(6B) Where the court makes an order under subsection (6), this section applies as if the Public Trustee has given an undertaking under subsection (2) to administer the estate.”; and

(e) by deleting the words “any trust money which is not included in the investment account of the common fund” in subsection (7) and substituting the words “any trust money (forming part of an estate administered by the Public Trustee under this section) which is not included in the Common Fund”.

Amendment of section 7

7. Section 7 of the principal Act is amended by deleting subsections (1) and (2) (including the marginal note to the subsection) and substituting the following subsections:

“(1) Subject to subsection (2B), a testator, a settlor or a court may appoint the Public Trustee by that name, or by any sufficient description, as if the Public Trustee were a private trustee —

(a) to be trustee of any will, settlement or other instrument creating a trust; or

(b) to perform any trust or duty belonging to a class which the Public Trustee is authorised by rules made under this Act to accept.

(2) This section applies regardless of when the will, settlement or other instrument creating the trust or duty was made or came into operation.

(2A) The Public Trustee may be appointed under subsection (1) —