

**Public Trustee Act  
(CHAPTER 260)**

**Table of Contents**

**Long Title**

**1 Short title**

**2 Interpretation**

**Establishment of Public Trustee**

**3 President to appoint Public Trustee**

**Powers and Duties of Public Trustee**

**4 General powers and duties of Public Trustee**

**5 Public Trustee may represent minor in certain cases**

**In the Administration of Small Estates**

**6 Administration of small estates**

**As an Ordinary Trustee**

**7 Appointment of Public Trustee to be trustee, executor, etc.**

**8 Granting probate to Public Trustee**

**9 Appointment by court of Public Trustee in place of executor or administrator**

**Common Fund**

**10 Formation of common fund**

**11 What are not to be included in the common fund**

**12 Interest payable on the moneys included in the common fund**

**13 Constitution of the Public Trustee Investment Board**

**14 Powers and duties of the Board**

**15 Persons not obliged to enquire whether dealing sanctioned**

**16 Government guarantee in regard to moneys included in the common fund**

#### **Liability and Fees**

**17 Liability of Consolidated Fund**

**18 Fees charged by Public Trustee**

#### **Supplemental Provisions**

**19 Appeal to court from Public Trustee**

**20 Mode of action of Public Trustee**

**21 Unclaimed funds to be paid into Consolidated Fund**

#### **Investigation and Audit of Trust Accounts**

**22 Investigation and audit of trust accounts**

#### **Rules**

**23 Rules**

#### **Legislative History**

# **PUBLIC TRUSTEE ACT**

## **(CHAPTER 260)**

(Original Enactment: Ordinance 3 of 1915)

REVISED EDITION 1985

(30th March 1987)

An Act to provide for the appointment of a Public Trustee.

[1st July 1935]

### **Short title**

1. This Act may be cited as the Public Trustee Act.

### **Interpretation**

2. In this Act, unless there is something repugnant in the subject or context —

“Board” means the Public Trustee Investment Board referred to in section 13;

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

“expenses” includes costs and charges;

“letters of administration” means letters of administration of the estate and effects of a deceased person, whether general or with a will annexed, or limited either in time or otherwise;

“private trustee” means a trustee other than the Public Trustee;

“trust” includes an executorship or administratorship, and “trustee” shall be construed accordingly;

“trust property” includes all property in the possession or under the control wholly or partly of the Public Trustee by virtue of any trust.

### *Establishment of Public Trustee*

### **President to appoint Public Trustee**

3.—(1) The President shall appoint a fit person to the office of Public Trustee, who shall hold office during his pleasure, and receive such salary or fees, and be appointed on such terms, as the President determines.

(2) The President may appoint such fit and proper persons to be Assistant Public Trustees and other officers of the Public Trustee as he considers necessary for the purposes of this Act and the Assistant Public Trustees and other officers shall hold office upon such terms, and be remunerated at such rates and in such manner, as the President may determine.

Any reference in this Act or in any other written law to officers or officer of the Public Trustee shall include an Assistant Public Trustee.

### **Corporation sole**

(3) The Public Trustee shall be a corporation sole under that name, with perpetual succession and an official seal, and may sue and be sued under the above name like any other corporation sole.

### **Remuneration**

(4) 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 are sanctioned by the President shall be paid out of the Consolidated Fund.

(5) The Public Trustee and every officer of the Public Trustee is hereby declared to be a public servant within the meaning of the Penal Code [Cap. 224].

### *Powers and Duties of Public Trustee*

#### **General powers and duties of Public Trustee**

4.—(1) Subject to and in accordance with this Act and the rules made thereunder, the Public Trustee may —

- (a) act in the administration of estates of small value;
- (b) act as an ordinary trustee;
- (c) be appointed trustee by a court of competent jurisdiction.

(2) Subject to and in accordance with this Act and 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 is 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 is authorised to do so by rules made under this Act, nor any trust under a deed of arrangement for the benefit of creditors, nor the administration of any estate known or believed by him to be insolvent.

(5) Subject to any conditions or restrictions imposed in writing by the Minister, an Assistant Public Trustee may exercise all or any of the powers and perform all or any of the duties of the Public Trustee under any written law except —

- (a) the power or duty of accepting or declining to accept any trust;
- (b) the power of transferring securities and of assuring immovable property:

Provided that an Assistant Public Trustee shall have power to transfer by endorsement cheques and other negotiable instruments to any banker or other duly authorised agent of the Public Trustee; and

- (c) the power of making payments or advances out of trust funds:

Provided that the Public Trustee may in writing authorise an Assistant Public Trustee to make such payments or advances as he may direct.

### **Public Trustee may represent minor in certain cases**

5.—(1) The Public Trustee may, on his own application, or on the application of any other person by summons, be appointed by the court to act as next friend of any minor for the purpose of instituting any suit or proceeding in the name of the minor.

(2) If in any pending suit or proceeding it becomes necessary to add any minor as co-plaintiff 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 next friend of the minor in the suit or proceeding.

(3) In any suit or proceeding in which a minor is defendant or in which it becomes necessary to add a minor as co-defendant, the court of its own motion or on the application of the Public Trustee or any other person may appoint the Public Trustee to act as guardian for the suit for the minor for the purposes of the suit or proceeding.

(4) The court shall not make any order under this section unless provision is made to the satisfaction of the court for the payment of the Public Trustee's costs as between solicitor and client and for the payment of any costs which may be awarded against the Public Trustee or directed to be paid by him.