

Public Trustee (Fees) Rules

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THE SCHEDULE

Legislative History

PUBLIC TRUSTEE ACT
(CHAPTER 260, SECTIONS 18(1) AND 23)

PUBLIC TRUSTEE (FEES) RULES

R 2

REVISED EDITION 1990

(25th March 1992)

[12th December 1938]

Citation

1. These Rules may be cited as the Public Trustee (Fees) Rules.

Definitions

2. In these Rules, unless the context otherwise requires —
 - (a) “gross capital value”, where used in relation to the estate of a deceased person, means the value of the estate without deduction for funeral or testamentary expenses or debts (other than debts specifically charged upon any property);
 - (b) “income of the trust property” includes any income arising under the trust;
 - (c) words to which a meaning is assigned by the Public Trustee Rules, shall have the same respective meanings as in those Rules; and
[\[R 1.\]](#)
 - (d) words referring to the acceptance of a trust shall be deemed to include a reference to an undertaking to administer an estate under section 6 of the Act.

Fees

3. Subject as hereinafter provided, the fees mentioned in the Schedule shall be paid in respect of the duties referred to in that Schedule.

Further fees

4. If at any time during the continuance of a trust in course of administration by the Public Trustee, any property (not arising from the accumulation of income of the trust property) shall become subject to the trust, in addition to the property comprised therein at the date of the acceptance thereof, there shall be paid in respect of the additional

property a further fee of such amount as would raise the total fees to the amount which would have been payable had the additional property formed part of the trust estate at the date of acceptance.

Special fee

5. In any case in which it appears to the Public Trustee that the circumstances of a trust or estate in course of administration, or proposed to be administered, by him are, or probably will be, such as to render his duties in relation thereto exceptionally onerous, he may, with the approval of the Minister, charge a special fee in respect of the performance of such duties in addition to the fees payable in pursuance of the Schedule.

Conditional acceptance

6. The Public Trustee may make the payment of, or an agreement to pay, such special fee a condition of his accepting a trust.

Power to remit fee

7. In any case in which it appears to the Public Trustee that the circumstances of the trust or estate in course of administration or proposed to be administered by him are or probably will be such as to render his duties in relation thereto exceptionally simple or are otherwise of an exceptional character, he may at any time during the administration of such an estate remit any part not exceeding one half of any fee payable in respect of the capital or income of the trust or estate in pursuance of the Schedule.

Application for revision of rate for any fee

8. In any case in which, under these Rules or under the Schedule, the Public Trustee has in his discretion fixed the rate for any fee, any beneficiary or any relation or legal representative of any beneficiary who is an infant or lunatic or under any other legal disability may, within 12 months of the date on which the rate was fixed, apply to the Minister for revision of the rate and the Minister shall make such order thereon to the Public Trustee as he considers just.

Aggregated trusts

9. Where two or more trusts or estates in the course of administration or proposed to be administered by the Public Trustee appear to him to be so connected together as to facilitate the performance of his duties in respect thereof, he may, in his discretion, for the purpose of ascertaining the amount of any fee payable in pursuance of the Schedule in respect of his duties or any of them, elect to treat the trust properties subject to or comprised in the several trusts or estates, or any of them, as aggregated so as to form a single trust property, except that nothing in this rule shall affect the incidence of any such fee as between the several trusts or estates.