

CHAPTER 58

JUDICIAL TRUSTEES

ARRANGEMENT OF SECTIONS

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CHAPTER 58
JUDICIAL TRUSTEES
An Act to provide for the appointment of Judicial Trustees. *36 of 1969*

*[Assent 30th December, 1969]
[Commencement 1st March, 1971]*

1. This Act may be cited as the Judicial Trustees Act. Short title.

2. In this Act— Interpretation.
 “official of the court” means the holder of such paid office in or connected with the court as may be prescribed;

“court” means the Supreme Court.

3. (1) Where application is made to the court by or on behalf of the person creating or intending to create a trust, or by or on behalf of a trustee or beneficiary, the court may, in its discretion, appoint a person (in this Act called a judicial trustee), to be a trustee of that trust, either jointly with any other person or as sole trustee, and, if sufficient cause is shown, in place of all or any existing trustees. Power of court on application to appoint judicial trustee.

(2) The administration of the property of a deceased person, whether a testator or intestate, shall be a trust, and the executor or administrator a trustee, within the meaning of this Act.

(3) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee, and, in the absence of such nomination, or if the court is not satisfied of the fitness of a person so nominated, an official of the court may be appointed, and in any case a judicial trustee shall be subject to the control and supervision of the court as an officer thereof.

(4) The court may, either on request or without request, give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.

(5) There may be paid to a judicial trustee out of the trust property such remuneration, not exceeding the prescribed limits, as the court may assign in each case, subject to any rules under this Act respecting the application of such remuneration where the judicial trustee is an official of the court, and the remuneration so assigned to any judicial trustee shall, save as the court may for special reasons otherwise order, cover all his work and personal outlay.

(6) Once in every year the accounts of every trust of which a judicial trustee has been appointed shall be audited, and a report thereon made to the court, by the prescribed persons, and, in any case where the court shall so direct, an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee, shall be made in the prescribed manner.

Rules.

4. Rules may be made by the Rules Committee, constituted under section 75 of the Supreme Court Act, for carrying into effect this Act, especially—

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- (a) for requiring judicial trustees, who are not officials of the court, to give security for the due application of any trust property under their control;
- (b) respecting the safety of the trust property, and the custody thereof;
- (c) respecting the remuneration of judicial trustees and for fixing and regulating the fees to be taken under this Act so as to cover the expenses of the administration of this Act, and respecting the payment of such remuneration and fees out of the trust property, and, where the judicial trustee is an official of the court, respecting the application of the remuneration and fees payable to him;
- (d) for dispensing with formal proof of facts in proper cases;
- (e) for facilitating the discharge by the court of administrative duties under this Act without prejudicial proceedings and otherwise regulating procedure under this Act and making it simple and inexpensive;

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- (f) respecting the suspension or removal of any judicial trustee, and the succession of another person to the office of any judicial trustee who may cease to hold office, and the vesting in such person of any trust property;
 - (g) respecting the classes of trusts in which officials of the court are not to be judicial trustees, or are to be so temporarily or conditionally;
 - (h) respecting the procedure to be followed where the judicial trustee is executor or administrator;
 - (i) for preventing the employment by judicial trustees of other persons at the expense of the trust, except in cases of strict necessity;
 - (j) for the filing and auditing of the accounts of any trust of which a judicial trustee has been appointed.