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**No. S 864**

**PUBLIC TRUSTEE ACT  
(CHAPTER 260)**

**PUBLIC TRUSTEE  
(AMENDMENT) RULES 2014**

In exercise of the powers conferred by section 23(1) of the Public Trustee Act, the Minister for Law hereby makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Public Trustee (Amendment) Rules 2014 and shall come into operation on 31 December 2014.

**Deletion and substitution of rule 5**

2. Rule 5 of the Public Trustee Rules (R 1) (referred to in these Rules as the principal Rules) is deleted and the following rule substituted therefor:

**“Duty of co-trustee to notify Public Trustee of appointment by testator or settlor**

5. A person appointed by a testator or a settlor to be co-trustee with the Public Trustee, and who does not renounce or disclaim the trust, must give to the Public Trustee notice in writing of such appointment as soon as the appointment has come to such person’s knowledge.”.

**Deletion and substitution of rule 6**

3. Rule 6 of the principal Rules is deleted and the following rule substituted therefor:

**“Procedure for obtaining written consent of Public Trustee to act as trustee**

6.—(1) An application for the consent of the Public Trustee under section 7(2B) or 8(4) or (8) of the Act to act as trustee or co-trustee must be made in such manner as the Public Trustee may require.

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(2) An application under paragraph (1) must be accompanied by the following documents and information:

- (a) the will, settlement or other instrument creating the trust or the duty in question or a copy thereof;
- (b) particulars as to the nature and value of the trust property, including any liabilities attached to the trust property;
- (c) the names and addresses of the beneficiaries under the trust, including any residuary or reversionary beneficiary;
- (d) the names and addresses of the former or existing trustees (if any) under the trust.

(3) The Public Trustee may require the production of any other document or information relating to the trust which the Public Trustee may consider desirable to obtain in any particular case.

(4) The written consent of the Public Trustee under section 7(2B) or 8(4) or (8) of the Act is to be given under the Public Trustee's official seal."

#### **Deletion and substitution of rule 7**

4. Rule 7 of the principal Rules is deleted and the following rule substituted therefor:

#### **"Matters to be considered by Public Trustee in deciding whether to give consent**

7.—(1) The Public Trustee may consider one or more of the following factors in deciding whether to give the written consent required under section 7(2B) or 8(4) or (8) of the Act:

- (a) the gross value of the trust property;
- (b) the mode of investment and the nature and condition of the trust property;
- (c) the situation, tenure and character of any land comprised in the trust property;
- (d) any liabilities attached to the trust property;
- (e) any liabilities incurred by a former or an existing trustee (if any) in the administration of the trust;

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- (f) the duties imposed by or incidental to the office of the trustee;
  - (g) the identities and addresses of the beneficiaries under the trust, including any residuary or reversionary beneficiary;
  - (h) the financial circumstances of the beneficiaries under the trust, including any residuary or reversionary beneficiary;
  - (i) the state of health and the education level of the beneficiaries under the trust, including any residuary or reversionary beneficiary;
  - (j) the ability of the former or existing trustees (if any) to identify and locate all the beneficiaries under the trust, including any residuary or reversionary beneficiary;
  - (k) whether there exists any person able to accept the appointment instead of the Public Trustee;
  - (l) the duration or expected duration of the trust;
  - (m) all relevant circumstances of the case.”.

#### **New rule 7A**

5. The principal Rules are amended by inserting, immediately after rule 7, the following rule:

##### **“Amount prescribed under section 6(1) of Act**

**7A.** For the purposes of section 6(1) of the Act, the prescribed amount is \$5,000.”.

#### **Deletion and substitution of rule 38**

6. Rule 38 of the principal Rules is deleted and the following rule substituted therefor:

##### **“Reserve Fund**

**38.** For the purposes of section 15A(3) of the Act —

- (a) such amount in the Reserve Fund as the Board may determine may from time to time be transferred to the Common Fund;
- (b) such amount in the Reserve Fund as the Board may determine may from time to time be transferred to

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and included in the distributable sum referred to in section 12A of the Act;

- (c) such amount in the Reserve Fund as the Board may determine may from time to time be invested in such investments permitted by law for the investment of trust funds; and
- (d) the Board may at any time sanction the sale or liquidation of any investment referred to in paragraph (c).”.

*[G. N. No. S 644/2012]*

Made on 29 December 2014.

NG HOW YUE  
*Permanent Secretary,  
Ministry of Law,  
Singapore.*

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(To be presented to Parliament under section 23(2) of the Public Trustee Act).