

1997

CHAPTER 18

An Act to amend *The Public Trustee Act* and to make consequential amendments to other Acts

(Assented to May 9, 1997)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Public Trustee Amendment Act, 1997*.

S.S. 1983, c.P-43.1 amended

2 *The Public Trustee Act* is amended in the manner set forth in this Act.

New sections 6.1 and 6.2

3 The following sections are added after section 6:

“Public trustee may be appointed as committee, etc.

6.1 Where there does not appear to be any other suitable person to be appointed, the public trustee may be appointed:

- (a) as a committee pursuant to *The Absentee Act*, subject to section 44.1;
- (b) as a trustee pursuant to *The Trustee Act*, subject to section 44.1;
- (c) as an attorney respecting the property of a person in accordance with the terms of a power of attorney, if the public trustee consents to the appointment.

“Investment of money from victims’ fund, etc.

6.2(1) The public trustee may accept money from the victims’ fund continued pursuant to *The Victims of Crime Act, 1995* and shall place the money in the common fund mentioned in section 47.

(2) The public trustee may accept money from other sources approved by the Lieutenant Governor in Council and shall place the money in the common fund”.

New section 7.1

4 The following section is added after section 7:

“Public trustee may authorize employees

7.1(1) The public trustee may authorize, in writing, any person employed pursuant to *The Public Service Act* and assigned to the office of the public trustee to do any act or thing required or permitted to be done by the public trustee.

(2) The authority given to a person by the public trustee pursuant to this section may be general or may apply to a particular case.

(3) All acts performed by a person pursuant to this section have the same effect as if they had been performed by the public trustee”.

New section 31.1

5 The following section is added after section 31:

“Public trustee may request will

31.1(1) Where the public trustee has the power to administer the estate of a dependent adult, the public trustee may request and receive an original will made by the dependent adult from any person, including a lawyer, who has possession of it, and that person shall provide the will to the public trustee when requested to do so.

(2) A person who had possession of the will before providing it to the public trustee may retain a copy”.

Section 41 amended

6 Subsection 41(2) is amended by adding “or if the executor or administrator fails to comply with an order pursuant to subsection (1),” **after** “subsection (1)”.

Section 42 amended

7 The following subsections are added after subsection 42(2):

“(3) Where a will creates a beneficial interest for an infant, the public trustee shall advise the personal representative or trustee if the public trustee intends to monitor the beneficial interest.

“(4) The public trustee is not obligated to monitor a beneficial interest mentioned in subsection (3).

“(5) Where the public trustee advises the personal representative or trustee of the public trustee’s intention to monitor the beneficial interest of an infant, the personal representative or trustee is required to provide the public trustee with his or her accounts on an annual basis”.

New section 44.1

8 The following section is added after section 44:

“When appointment may be made

44.1 An appointment of the public trustee by the court pursuant to this or any other Act may not be made until:

(a) the public trustee has had the opportunity to make representations respecting the appointment; or

(b) the public trustee consents to the appointment”.

New section 47.3

9 The following section is added after section 47.2:

“Payment of banking services

47.3 Where the public trustee enters into a contract for banking services with respect to the common fund mentioned in section 47, any costs pursuant to the contract are payable out of the common fund”.

R.S.S. 1978, c.A-3, section 3 amended

10 Section 3 of *The Absentee Act* is amended:

- (a) by striking out “or” after clause (d);
- (b) by adding “or” after clause (e); and
- (c) by adding the following clause after clause (e):

“(f) the public trustee appointed pursuant to *The Public Trustee Act*”.

R.S.S. 1978, c.T-23, section 34 amended

11 Subsection 34(1) of *The Trustee Act* is repealed and the following substituted:

“(1) An order pursuant to this Act appointing a new trustee or concerning any land or personal estate subject to a trust may be made on the application of:

- (a) any person, whether under a disability or not, beneficially interested in the appointment of a new trustee or in the land or personal estate subject to the trust;
- (b) a person duly appointed as a trustee of the land or personal estate;
or
- (c) the public trustee appointed pursuant to *The Public Trustee Act*”.

Coming into force

12 This Act comes into force on assent.