

1971. No. 29

[NC]

SUPREME COURT, NORTHERN IRELAND

FEES AND PERCENTAGES

The Supreme Court (Non-Contentious Probate) Fees Order
(Northern Ireland) 1971

I, the Right Honourable John Clarke, Baron MacDermott, Lord Chief Justice of Northern Ireland, with the concurrence of the Treasury, and in exercise of the powers conferred by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(a), the Government of Ireland Act 1920(b), the General Adaptation of Enactments (Northern Ireland) Order 1921(c), sections 2 and 3 of the Public Offices Fees Act 1879(d) and all other powers and authorities enabling me in this behalf, do hereby order and direct as follows:—

1.—(1) This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1971, and shall come into operation on the 15th day of February, 1971.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) The Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1963(f) is hereby revoked save as to any fee due or payable before the commencement of this Order.

2. In this Order “A folio” means a folio of 72 words; “Post-war credit” means an amount of tax to which there is a claim under section 7 of the Finance Act 1941(g), whether the amount has been ascertained and recorded or not.

3. The fees and percentages set out in the second column of the Schedule to this Order shall be taken in the Principal and the District Probate Registries in respect of the items set out in the first column of that Schedule, subject to and in accordance with the directions contained in that Schedule. In the Principal Probate Registry the fees prescribed by this Order shall be taken by impressed judicature stamps and in the District Probate Registry the fees shall be taken in cash.

4. In determining the value of any estate for the purpose of this Order, there shall be excluded the value of any gratuity awarded in respect of the service of a deceased Civil Servant or other servant of the Crown in respect of which Estate Duty is not payable, and the value of any post-war credit.

5.—(1) Where it appears to the Lord Chief Justice that the payment of any fee specified in this Order would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may, with the concurrence of the Treasury, reduce or remit the fee in that particular case.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66.

(b) 10 & 11 Geo. 5. c. 67.

(c) S.R. & O. 1921, No. 1804.

(d) 42 & 43 Vict. c. 58.

(e) 52 & 53 Vict. c. 63.

(f) S.R. & O. (N.I.) 1963, No. 135.

(g) 4 & 5 Geo. 6. c. 30.

(2) Where by any convention entered into by Her Majesty with any Foreign Power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(3) The fees specified in this Order shall be remitted where such fees if taken would be payable out of money provided by the Parliament of the United Kingdom or of Northern Ireland.

(4) Where an application for a grant is withdrawn before the issue of the grant, a Registrar may reduce or remit a fee.

Dated the 23rd day of January 1971.

MacDermott,
Lord Chief Justice.

We concur in this Order:

H. S. P. Monro,
Walter Clegg,
Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

First Column	Second Column
<i>Item</i>	<i>Fee</i>
GRANTS AND RESEALING	
£	
1. On application for a grant of probate or letters of administration with or without the will annexed other than an application to which Fee No. 3 or 4 applies:—	
If the net real and personal estate in Northern Ireland passing under the grant is sworn in the Inland Revenue Affidavit to be—	
Under the value of—	
£	
1,000	1-00
2,000	2-00
3,000	3-00
4,000	4-00
5,000	5-00
6,000	6-00
7,000	7-00
8,000	8-00
9,000	9-00
10,000	10-00
11,000	11-00
12,000	12-00
13,000	13-00
14,000	14-00
15,000	15-00
16,000	16-00
17,000	17-00
18,000	18-00
19,000	19-00
20,000	20-00
30,000	25-00
40,000	30-00
50,000	35-00
80,000	40-00
120,000	50-00
200,000	60-00
For every additional £100,000 or any fractional part of £100,000 a further and additional fee of	10-00
2. On application for a grant of probate or letters of administration by a personal applicant, or for resealing such a grant if the application is prepared in the principal or the district registry, save where Fee No. 3, 4(a) or 5 is payable, in addition to any other fee:—	
If the net real and personal estate in Northern Ireland is stated to be of the value of—	
(a) £500 or over and under the value of	
£1,000	1-50
£2,000	2-50
(b) £2,000 or over	
	The same fee as would be payable for a grant under Fee No. 1.

First Column	Second Column
<i>Item</i>	<i>Fee</i>
3. On application for a grant where the estate as defined by section 33 of the Customs and Inland Revenue Act 1881, as extended by section 16 of the Finance Act 1894, does not exceed £500	£ 0.75
4. Where neither Fee No. 3 nor 5 of this Schedule applies, on application for:— (a) a grant in respect of an estate exempt from duty under section 71 of the Finance Act 1952 (which gives exemption from estate duty for members of the armed forces, etc.); (b) a grant limited to trust property; (c) a duplicate grant; (d) any second or subsequent grant (including one following a revoked grant) in respect of the same deceased person, other than a grant preceded only by a grant limited to trust property or to a part of the estate; or (e) resealing a Scottish confirmation, an English grant or a grant under the Colonial Probates Act 1892	1.00
5. For resealing an English grant under section 16 of the Finance Act 1894 or the Small Estates (Representation) Act 1961, or resealing a Scottish confirmation under the Intestates Widows and Children (Scotland) Act 1875, or under the Small Testates Estates (Scotland) Act 1876, or under section 34 of the Customs and Inland Revenue Act 1881 or under the Small Estates (Representation) Act 1961	0.13
ALTERATIONS IN GRANTS, ETC.	
6. For making any notation on or amendment to the grant and record after issue, or impounding or revoking a grant, or releasing an impounded grant (inclusive of filing any document, making any order, or preparing any memorandum under the Inheritance (Family Provision) Act (Northern Ireland) 1960) or for noting a reswearing of value and giving a certificate of security where necessary	1.00
CAVEATS	
7. For the entry or withdrawal of a caveat, for a warning to a caveat at the principal registry or for any notice sent by the principal registry to the district registry in respect of a caveat	0.13
DEPOSIT OF WILLS	
8. On depositing a will for safe custody in the principal or the district registry (including the filing of any related documents)	1.00

First Column	Second Column
<i>Item</i>	<i>Fee</i>
SEARCHES AND INSPECTION	
	£
9. For search for a document filed in the principal or the district registry, including inspection of the registered copy of the will or the original will (if unregistered) or any other document	0-05
10. For inspecting an original will that has been registered—in addition to the fee for search	0-05
11. For a search for a will or letters of administration or other document on behalf of the party applying (whether in person or by letter)—in addition to Fees Nos. 9 and 10— For every year or part of a year	0-02½(h)
COPIES	
12. For a photographic copy of all or part of any document in the principal or the district registry— For each photographic sheet— (a) if not over foolscap size (b) if over foolscap size	0-07 0-20
13. For a typewritten copy of all or part of any document in the principal or the district registry:— For 5 folios or under For every additional folio or part of a folio	0-13 0-02½(h)
14. For collating a copy with the original document, including the registrar's certificate in verification thereof:— If 10 folios or under For every additional folio and in addition, if there is any pencil writing copied or any part thereof is facsimile:— If 2 folios or under for every additional folio or part of a folio	0-13 0-01 0-02½(h) 0-01
15. For an exemplification, in addition to the fees for typing and collating, or preparing by photography, the necessary documents (inclusive of certification and sealing)	1-00
16. For sending by post a copy of any document— (a) to an address within the Inland Postage limits (b) to any other address	0-02½(h) The nearest multiple of £0-02½(h) above the postage.
MISCELLANEOUS	
17. For the certificate or minute of a judge or registrar	0-13
18. For impressing the seal of the court on any document	0-25
19. Save in a personal application for a grant— (a) for administering an oath, for each deponent to each affidavit (b) for marking each exhibit (c) for superintending and attesting execution of a bond, for each obligor	0-25 0-10 0-25

(h) Any fraction of a penny in the total amount of the fees shall be disregarded.

First Column	Second Column
<i>Item</i>	<i>Fee</i>
20. Save in a personal application for a grant, for preparing any affidavit, bond, or other document for a party in person	£ 0-25
21. Upon an application for the production of records or documents in any court of law or elsewhere:—	
(a) Where an officer is required to attend, whether on subpoena or not, his reasonable expenses, and, in addition, for each day or part of a day when he is necessarily absent from his office	2-00
The officer may require a deposit of stamps on account of any further fees and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer taking such deposit shall thereupon make a memorandum thereof on the application.	
The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.	
(b) Where the records or documents are to be given in evidence in a probate cause or matter and the officer is required to produce them from the principal registry or from the district registry, but is not required to remain in attendance at the Court	0-50
22. For producing a will to be photographed in the probate registry in which the will has been proved or in which it is deposited	1-00
23. For notification by the principal registry to a charitable institution of a bequest in its favour, and forwarding extract	0-50
24. For a summons, order on summons, motion and order on motion	0-50
25. For a registrar's order (other than on summons or motion) or fiat on refusing probate, save in a matter on which Fee No. 3 is payable	0-25
26. For filing any document, other than one lodged on application for a grant or resealing or included in Fee No. 6 or 8	0-13
27. For perusing and settling citations, advertisements, oaths, affidavits or other documents:—	
For any one document settled	0-50
For any number of additional documents in the same case at the same time	0-50

First Column	Second Column
<i>Item</i>	<i>Fee</i>
<p style="text-align: center;">CORRESPONDENCE IN THE DISTRICT REGISTRY</p> <p>28. For receiving an application for a grant (including cases under section 33 of the Customs and Inland Revenue Act 1881, as extended by section 16 of the Finance Act 1894) through the post in the district registry and for correspondence with reference to the same</p> <p>29. For correspondence on any other matter in respect of which any fee in this Schedule (except Fees Nos. 9 to 16 for searches and copies) is payable</p>	<p style="text-align: center;">£</p> <p>Ten per cent. of the fee payable on application for the grant. Minimum fee, £0.25. Maximum fee, £2.00.</p> <p style="text-align: center;">0.17</p>

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1963 and converts the present Schedule of non-contentious probate fees into decimal currency.