
STATUTORY INSTRUMENTS

1999 No. 855

The Public Trustee (Fees) Order 1999

PART I
GENERAL

Incidence of fees

- 3.** All fees shall be paid out of capital, except the following which shall be paid out of income:
- (a) fees which the Public Trustee directs to be paid out of income by virtue of section 1(3) of the Public Trustee (Fees) Act 1957;
 - (b) the administration fee in cases to which article 18 applies;
 - (c) the insurance fee provided for by article 21;
 - (d) the income collection fee provided for by article 24;
 - (e) the management fees provided for by article 30; and
 - (f) the value added tax fee provided for by article 31, in cases where the fee in respect of which the value added tax fee is payable is itself payable out of income.

Calculation

- 4.** In ascertaining the amount payable in respect of any fee the Public Trustee—
- (a) shall take the value of any estate or trust property to be the price which he estimates that property would fetch in the open market; and
 - (b) may treat the value of any estate or trust property as being that multiple of £10 which is nearest to his estimate of its exact value.

Time of payment

- 5.** The Public Trustee may, if it appears just and reasonable in any case, agree to the postponement of any payment due in respect of any fee.

Commutation

- 6.** Liability to pay all or any sums which may become due in respect of any fee, or any part of those sums, may be commuted by the Public Trustee in consideration of a payment which seems to him to represent the capital value of that liability.

Power to remit fees and settle disputes

- 7.—(1)** The Public Trustee may remit so much as appears to him equitable of any fee payable in respect of any estate or trust where the whole or any part of the property is in another estate or trust in which he is acting.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (2) With the approval of the Treasury, the Public Trustee may–
 - (a) compromise any dispute about his right to a fee or about the amount due; and
 - (b) remit so much as appears to him equitable of any fee payable in respect of any estate or trust where–
 - (i) his duties have been or are likely to be exceptionally simple; or
 - (ii) the estate or trust is otherwise of an exceptional character.