
STATUTORY INSTRUMENTS

1999 No. 855

The Public Trustee (Fees) Order 1999

PART VI

FEEES FOR SPECIAL SERVICES

Insurance fee

21. If the Public Trustee effects or renews a policy of insurance on any trust property a fee shall be payable equal to the amount of any commission allowed.

Commission fee

22.—(1) On any dealing in securities a fee shall be payable equal to the amount of any stockbroker's commission refunded to the Public Trustee.

(2) Where a commission is received by the Public Trustee on any deposit of money, a fee shall be payable equal to the amount of the commission received.

Audit fee

23. Under section 13 of the Public Trustee Act 1906(1) a fee of £750 shall be payable to the Public Trustee in addition to the remuneration of the auditor.

Income collection fee

24.—(1) Subject to the provisions of this article, an income collection fee at the rate of 3.5 per cent shall be payable at such time or times as the Public Trustee may direct in respect of the gross income of any estate or trust received by him.

(2) Where the Public Trustee receives income from dividends or interest after deduction of tax, the income collection fee shall be payable in respect of the income so received.

(3) Where the Public Trustee is acting exclusively under a declaration of trust for one beneficiary only, the income collection fee shall be payable at one-half of the rate prescribed above.

(4) No fee shall be payable under this article in respect of an annuity or other terminable payment to which article 18 applies.

(5) The Public Trustee may remit so much as appears to him equitable of any fee payable under this article where—

- (a) his duties have been or are likely to be exceptionally simple; or
- (b) the circumstances are otherwise exceptional.

(1) 1906 c. 55, as amended by section 1 of the Public Trustee (Fees) Act 1957 (c. 12), and section 2(1) of the Administration of Justice Act 1965 (c. 2).

Investigation fee

25.—(1) On being asked to act as trustee of an existing trust the Public Trustee may demand the deposit of a fee or fees as he may deem sufficient to cover the cost of examining and considering relevant documents and accounts whether or not he subsequently accepts appointment as trustee and in the event of his appointment he may, at his discretion, set off all or part of the fee or fees so deposited against fees then due under Parts II and III of this Order.

(2) When the Public Trustee renounces probate of any will of which he has been appointed executor he may charge a fee commensurate with the work involved in his investigation of the assets and liabilities of the estate.

Fee for agency work

26. On acting as agent the Public Trustee shall be entitled to make such a charge commensurate with the amount of work involved as he may determine.

Fees for additional work

27. The Public Trustee shall be entitled to make a reasonable additional charge according to the work involved in:—

- (a) dealing with a business;
- (b) dealing with assets situate outside the United Kingdom;
- (c) supplying information for the purpose of any proposed dealing with a beneficial interest or for registering a notice of charge;
- (d) dealing with freehold or leasehold property or a mortgage;
- (e) supplying copies of documents and additional copies of accounts;
- (f) an administration following the cessation of a life or other interest in property in circumstances in which no withdrawal fee is payable;
- (g) work incidental to any application to the court in connection with the administration of an estate or trust;
- (h) conducting a hearing in accordance with rule 37 of the Public Trustee Rules 1912(2);

and for duties of an unusual, complex or exacting nature.

Registration and enquiry fees

28. A fee shall be payable in respect of trusts or estates in which the Public Trustee is nominated to receive notices pursuant to section 138 of the Law of Property Act 1925(3)

- (a) for accepting nomination—a fee of £100;
- (b) for the entry of each notice—a fee of £35 (such fee to cover any necessary acknowledgement of the notice);
- (c) for permitting any authorised person to inspect and take copies of the register and of any notices—a fee of £35 for each inspection in respect of each trust or estate; and
- (d) for replying to an enquiry respecting notices—a fee not exceeding £85 for each reply in respect of each trust.

(2) S.R. & O. 1912/348, as modified by the Solicitors' Incorporated Practices Order 1991, S.I. 1991/2684.

(3) 1925 c. 20.

Fees for registration of documents in respect of deceased persons and searches of the register

29. The following fees shall be payable in respect of the functions of the Public Trustee under section 19 of the Law of Property (Miscellaneous Provisions) Act 1994⁽⁴⁾ (Functions of Public Trustee in relation to notices etc.):

- (a) for entering details of documents on the register, £20 for each deceased person against whose name the details are registered, payable in relation to each property in respect of which registration is made;
- (b) for causing a search of the register to be made, £10 for each name or variation of a name against which the search is made.

⁽⁴⁾ 1994 c. 36.