

2000 No. 642 (L.5)

SUPREME COURT OF ENGLAND AND WALES

**The Non-Contentious Probate Fees (Amendment) Order
2000**

<i>Made</i>	- - -	<i>7th March 2000</i>
<i>Laid before Parliament</i>		<i>8th March 2000</i>
<i>Coming into force</i>		<i>25th April 2000</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 130 of the Supreme Court Act 1981(a) and section 128 of the Finance Act 1990(b), with the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division, the Vice-Chancellor and the Treasury under section 130(2) of the Supreme Court Act 1981, makes the following Order:

Citation and commencement

1. This Order may be cited as the Non-Contentious Probate Fees (Amendment) Order 2000 and shall come into force on 25th April 2000.

Interpretation

2. In this Order—
- (a) “the 1999 Fees Order” means the Non-Contentious Probate Fees Order 1999(c);
 - (b) an article referred to by number alone is a reference to the article so numbered in the 1999 Fees Order; and
 - (c) a fee or column referred to by number alone means the fee or column so numbered in Schedule 1 to the 1999 Fees Order.

Amendments to the 1999 Fees Order

3. After paragraph (1) of article 5 there shall be inserted the following new paragraphs—
- “(1A) Subject to paragraph (1B), where a fee has been paid at a time—
- (a) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee under article 5(1), the amount by which the fee would have been reduced shall be refunded; and
 - (b) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under article 5(1), the fee shall be refunded.
- (1B) No refund shall be made under paragraph (1A) unless the party who paid the fee applies within 6 months of paying the fee.
- (1C) The Lord Chancellor may extend the period of 6 months referred to in paragraph (1B) if he considers that there is good reason for an application being made after the end of the period of 6 months.”.
4. For the word “value” in column 1 in fee 1 and in fee 2 there shall be substituted the words “assessed value”.

(a) 1981 c. 54.
(b) 1990 c. 29.
(c) S.I. 1999/688.

Dated 6th March 2000

Irvine of Lairg, C.

We concur,

*Bingham of Cornhill, C.J.
Harry Woolf, M.R.
Elizabeth Butler-Sloss, P.
Richard Scott, V.-C.*

Dated 2nd March 2000

We concur,

*Greg Pope
Bob Ainsworth*

Dated 7th March 2000

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Non-Contentious Probate Fees Order 1999 by providing for refunds of fees in certain cases and adds an omitted word.

£1.00

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