

2005 No. 266 (L. 2)

SUPREME COURT OF ENGLAND AND WALES

**The Non-Contentious Probate Fees (Indian Ocean Tsunami)
Order 2005**

<i>Made</i> - - - -	<i>8th February 2005</i>
<i>Laid before Parliament</i>	<i>10th February 2005</i>
<i>Coming into force</i> - -	<i>4th March 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 92 and 108(6) of the Courts Act 2003(a) and section 128 of the Finance Act 1990(b), with the consent of the Treasury under section 92(1) of the Courts Act 2003 and after consultation with the Lord Chief Justice, the Master of the Rolls, the President of the Family Division, the Vice-Chancellor, the Head of Civil Justice and the Deputy Head of Civil Justice and the Civil Justice Council under section 92(5) and (6) of the Courts Act 2003, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Non-Contentious Probate Fees (Indian Ocean Tsunami) Order 2005 and shall come into force on 4th March 2005.

(2) In this Order “the 2004 Order” means the Non-Contentious Probate Fees Order 2004(c).

Remission of fees

2. Notwithstanding the provisions of Article 4 of the 2004 Order, where it appears to the Lord Chancellor that an application for a grant is in respect of a death occurring as a result of the earthquake and tsunami in the Indian Ocean on 26th December 2004, he shall remit any fee prescribed by that Order in that case.

Transitional provision

3. Where –

- (a) a fee has been paid under the 2004 Order after 26th December 2004 but before 4th March 2005 and
- (b) if this Order had been in force when the fee was paid, the Lord Chancellor would have remitted the fee,

the fee shall be refunded.

(a) 2003 c.39.
(b) 1990 c.29.
(c) S.I. 2004/3120.

Falconer of Thoroton, C.

6th February 2005

We consent ,

*Jim Murphy
John Heppell*

8th February 2005

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that fees payable under the Non-Contentious Probate Fees Order 2004, which specifies fees for non-contentious probate matters in the principal registry and district registries, are to be remitted where the death occurred as a result of the Indian Ocean earthquake and tsunami on 26th December 2004. Provision is also made for refunds of fees paid between that date and the coming into force of this Order where the fee would have been remitted had this Order been in force at the time. Article 4 of the 2004 Order permits the remission of fees, but only in cases of financial hardship.

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