STATUTORY RULES OF NORTHERN IRELAND

2017 No. 11

COURT OF JUDICATURE

The Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2017

Made - - - - 16th January 2017

Coming into operation in accordance with Article 1

The Department of Justice, in exercise of the powers conferred by section 116(1) and (1A) of the Judicature (Northern Ireland) Act 1978(**a**) and now vested in it(**b**), makes the following Order with the concurrence of the Department of Finance(**c**).

The Department has, in accordance with section 116(1) of that Act, consulted with the Lord Chief Justice.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2017.

(2) Articles 1 and 3 shall come into operation on 1st April 2017.

(3) Article 2 shall come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(**d**).

(4) In this Order "the principal Order" means the Court of Judicature (Non-Contentious Probate) Order (Northern Ireland) 1996(**e**).

Amendments to the principal Order

2. In Article 9(2) (Exemptions and refunds) of the principal Order—

(a) at the end of sub-paragraph (d) for "." substitute ";"; and

(b) after sub-paragraph (d) insert—

"(e) universal credit paid under Part 2 of the Welfare Reform (Northern Ireland) Order 2015(**f**).".

(**a**) 1978 c. 23 as amended by s.59 of the Justice Act (Northern Ireland) 2016 (2016 c. 21 (N.I.)).
(**b**) Article 15(1) and paragraph 6(h) of Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).
(**c**) Article 15(4)(b) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976). Formerly the Department of Finance and Personnel, see the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)), Section 1(4) and Schedule 1.
(**d**) S.R. 2016 No. 216.
(**e**) S.R. 1996 No. 104 to which relevant amendments are made by S.R. 2007 No. 377.
(**f**) 2015 No. 2006 (N.I. 1).

3. For Schedule 1 to the principal Order there shall be substituted the Schedule 1 set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 16th January 2017

L.S.

Claire Sugden
Minister of Justice

The Department of Finance concurs in the making of this Order.

Sealed with the Official Seal of the Department of Finance on 16th January 2017

L.S.

Emer Morelli
A senior officer of the
Department of Finance

SCHEDULE

Article 3

"SCHEDULE 1

Article 4

Column 1	*Column 2*			*Column 3*
Item	*Fee* *£*			*Document to be endorsed*
	As from 01/04/17	As from 01/04/18	As from 01/04/19	
Application for grant: general				
1. On an application for a grant (or for resealing a grant) other than an application to which Fee No. 3 applies—				The requisition
a) if the assessed value does not exceed £10,000	No fee	No fee	No fee	
b) if the assessed value exceeds £10,000	£220.00	£237.00	£249.00	
Personal application fee				
2. In addition to (1) on an application for a grant by a personal applicant where the value of the estate exceeds £10,000	£55.00	£59.00	£62.00	The requisition
Special applications				
3. On an application for—				
a) a grant in respect of an estate exempt from inheritance tax by virtue of section 154 of the Inheritance Tax Act 1984 (exemption for members of the armed forces, etc.);	£165.00	£177.00	£186.00	
b) a grant limited to trust property;	£165.00	£177.00	£186.00	
c) a duplicate grant;	£165.00	£177.00	£186.00	
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	£165.00	£177.00	£186.00	The requisition

Column 1	*Column 2*			*Column 3*
Item	*Fee* £			*Document to be endorsed*
Alteration in grants, etc.				
4. For making any notation on or amendment to the grant and record after issue, or impounding or revoking a grant, appointing a guardian or an administrator in cases of mental or physical incapacity or releasing an impounded grant inclusive of filing any document, or preparing any memorandum under the Inheritance (Provisions for Family and Dependants) (Northern Ireland) Order 1979	£55.00	£59.00	£62.00	The requisition
Caveats				
5.a) For the entry of a caveat	£83.00	£89.00	£93.00	The filed copy
b) For an extension or warning to a caveat	£55.00	£59.00	£62.00	
Deposit of wills				
6. On depositing a will for safe custody in the Probate and Matrimonial Office or any branch office	£33.00	£35.00	£37.00	The requisition
Searches				
7.a) For a search for a grant on behalf of the party applying (whether in person or by letter)	£22.00	£24.00	£25.00	The requisition
b) Additional payment where the search is carried out by an officer of the court	£11.00	£12.00	£13.00	The requisition
Inspection				
8. On inspection of office records, an original will or any other document, including a copy of a will	£33.00	£35.00	£37.00	The requisition
Copies of documents				
9.a) On a copy document (5 sheets or less) not otherwise provided for	£6.00	£6.00	£6.00	
b) On any additional copy per page	£0.50	£0.50	£0.50	

Column 1	*Column 2*			*Column 3*
Item	*Fee* £			*Document to be endorsed*
c) For an exemplification of a copy signed by the master and countersigned by the Lord Chief Justice, including the fees for preparing the necessary documents	£83.00	£89.00	£93.00	The requisition
10. On an audio recording produced on compact disc in respect of any court proceedings—				
For each hour or part thereof	£28.00	£30.00	£32.00	
Oaths and guarantees				
11. Save in a personal application for a grant—				
a) for administering an oath, for each deponent to each affidavit	£33.00	£35.00	£37.00	The requisition
b) for superintending an attesting execution of a guarantee for each surety	£55.00	£59.00	£62.00	
Production of document, etc.				
12. On an application for the production of records or documents to be given in evidence—				
On attendance of an officer to produce records (in addition to the officer's expenses), for each hour or part thereof	£15.00	£16.00	£17.00	
Settling documents				
13. For perusing and settling citations, for each document settled	£127.00	£137.00	£144.00	The requisition
Applications to the Master				
14.On any application to the Master not otherwise provided for	£127.00	£137.00	£144.00	The requisition
Miscellaneous				
15. On sealing a writ of subpoena per person	£33.00	£35.00	£37.00	The requisition"

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Court of Judicature (Non-Contentious Probate) Fees Order (Northern Ireland) 1996 (S.R. 1996 No. 104) to increase the fees to be taken in non-contentious probate proceedings over a three year period (10% increase effective from 1 April 2017, 7.5% increase effective from 1 April 2018 with a further 5% increase effective from 1 April 2019). The Order also updates the qualifying benefits for the purpose of exemptions from fees in consequence of the Welfare Reform (Northern Ireland) Order 2015.

The Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1996 has been renamed the Court of Judicature (Non-Contentious Probate) Fees Order (Northern Ireland) 1996 as a consequence of the renaming of the Supreme Court of Judicature of Northern Ireland by virtue of section 59 and paragraph 6 of Schedule 11 to the Constitutional Reform Act 2005.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from Northern Ireland Courts and Tribunals Service, Central Management Team, Laganside House, 23-27 Oxford Street, Belfast BT1 3LA or online alongside this Statutory Rule at http://www.legislation.gov.uk/nisr.

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