1958 No. 154 (L. 1)

The Management of Patients' Estates (Percentage and Fees) Rules, 1958

Made - - - - 29*th January*, 1958
Coming into Operation 10*th February*, 1958

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, and in exercise of the powers conferred upon me by section 148 of the Lunacy Act, 1890(a), and of all other powers enabling me in this behalf, do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Management of Patients' Estates (Percentage and Fees) Rules, 1958, and shall come into operation on the tenth day of February, 1958, so, however, that Rules 2 and 3 shall take effect only in the case of a levy which is payable in respect of a period ending on or after that date.

(2) The Interpretation Act, 1889(b), shall apply to these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules a Rule referred to by number means the Rule so numbered in the Management of Patients' Estates Rules, 1934(c), as amended.

2. Rule 148 (which prescribes fees and percentages payable) shall be amended by the substitution of the following for paragraph (1):—

"(1) Subject to the provisions of Rules 149 and 150 the following fees and percentages shall be payable on the clear annual income of a patient, including any income applied for his benefit under a discretionary trust:—

(*a*) where the clear annual income of a patient does not exceed £100, a fee of £1 10*s*. for each completed year from the date of the first order;

(*b*) where the clear annual income exceeds £100 but does not exceed £150, a percentage of 4 per cent. per annum;

(*c*) where the clear annual income exceeds £150, a percentage of 5 per cent. per annum."

3. Rule 149 (2) (which enables the Master to postpone the levying of fees, etc.) shall be amended by the substitution of the following paragraph:—

"(2) Where the Master is satisfied that the payment of the fee or percentage prescribed in Rule 148 would inflict hardship on the patient or his dependants, he may postpone the levying of the whole or part of of it for such time as he may deem expedient, without prejudice to the right to enforce the subsequent payment thereof."

(a) 53 & 54 Vict. c. 5. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1934/269 (Rev. XIII, p. 10: 1934 I, p. 1109).

4. The fees prescribed in Rule 160 shall be increased as follows:—

(*a*) on every order the fee shall be £4 instead of £3;

(*b*) on every certificate other than a certificate relating solely to the payment of percentage the fee shall be £2 instead of £1 10*s.*;

(*c*) on every authority or direction, issued under the seal of the Master, the fee shall be 10*s.* instead of 5*s.*;

(*d*) (i) on every copy of an authority the fee shall be 2*s.* instead of 1*s.*;

(ii) on every copy of other documents, the actual cost thereof with a minimum fee of 2*s.*

Dated the 29th day of January, 1958.

Kilmuir, C.

We concur.

Martin Redmayne,
Anthony Barber, } Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules increase the fees and percentages which are payable in respect of the administration of patients' estates.

LUNACY, SCOTLAND

1958 No. 198 (S. 9)

The State Mental Hospital (Application of Enactments) Order, 1958

Made - - - -	3*rd February*, 1958
Coming into Operation	3*rd February*, 1958

In exercise of the powers conferred upon me by subsections (4) and (5) of section 4 of the Criminal Lunatics (Scotland) Act, 1935(a), as read with section 63 of the Criminal Justice (Scotland) Act, 1949(b) and of all other powers enabling me in that behalf, I hereby make the following Order:—

1.—(1) This Order may be cited as the State Mental Hospital (Application of Enactments) Order, 1958.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 25 & 26 Geo. 5. c. 32. (b) 12, 13 & 14 Geo.6. c. 94.
(c) 52 & 53 Vict. c. 63.