STATUTORY INSTRUMENTS

1962 No. 562

TRUSTEES

The Public Trustee (Fees) Order, 1962

Made - - - - 21*st March*, 1962
Coming into Operation 2*nd April*, 1962

We, the undersigned, being two of the Lords Commissioners of Her Majesty's Treasury, in pursuance of the provisions of section 9 of the Public Trustee Act, 1906(a), as amended by section 1 of the Public Trustee (Fees) Act, 1957(b), and with the sanction of the Lord Chancellor, do hereby make the following Order:—

1.—(1) This Order may be cited as the Public Trustee (Fees) Order, 1962, and shall come into operation on the 2nd day of April, 1962.

(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.

2. The Public Trustee (Fees) Order, 1957(d), as amended (e), shall be further amended as follows:—

(*a*) In sub-paragraph (*d*) of paragraph 4 for the words "the Enquiry Fee to which paragraph 21 applies" there shall be substituted the words "the Registration and Enquiry Fees to which paragraph 21 applies, where they relate to the interest of a person entitled to income".

(*b*) The following paragraph shall be substituted for paragraph 18:—

"*Amount of Fee*

18.—(1) The Withdrawal Fee shall be calculated, in accordance with the provisions of this paragraph, as a percentage of the gross capital value of the property withdrawn.

(2) Subject to sub-paragraph (3) hereof, the Withdrawal Fee shall be charged:—

(*a*) where the property is withdrawn before the expiration of three complete financial years following that in which the trust was accepted by the Public Trustee, at the rate of £1 per cent.;

(*b*) where the property is withdrawn after the expiration of three complete financial years following that in which the trust was accepted by the Public Trustee, at the rate of £1 10s. per cent.

(3) Where the Public Trustee is acting in any case to which paragraph 12 (*c*) applies, the Withdrawal Fee shall be charged at the rate of 10s. per cent."

(*c*) The following paragraph shall be substituted for paragraph 21:—

"*Registration and Enquiry Fees*

21.—(1) Where the Public Trustee, in compliance with a request, gives information for the purpose of any dealing with a beneficial

(a) 6 Edw. 7. c. 55.
(b) 5 & 6 Eliz. 2. c. 12.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1957/485 (1957 II, p. 2578).
(e) S.I. 1959/961, 1960/630 (1959 II, p. 2704; 1960 III, p. 3310).

interest, a fee of £3 shall be payable by the person to whom he gives information in respect of each dealing.

(2) Where the Public Trustee receives notice of any dealing with a beneficial interest in any trust in which he is acting or of the exercise or release of any power relating to any such trust, and he registers the same, a fee of £2 shall be payable by the person who gives such notice.

(3) Where the Public Trustee produces for inspection by a person, other than one who is beneficially interested in a trust or is a co-trustee of a trust, any deeds or documents relating to that trust, a fee of £2 shall be payable."

Dated the twenty-first day of March, 1962.

John Peel,
Michael Noble,
Lords Commissioners of
Her Majesty's Treasury.

Kilmuir, C.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order further amends the Public Trustee (Fees) Order, 1957, in the following respects:—

(1) with certain exceptions it increases to £1 10s. per cent. the rate of Withdrawal Fee payable where trust property is withdrawn after the expiration of three complete years following that in which the trust was accepted by the Public Trustee;

(2) it authorises the Public Trustee to charge a fee for giving information, for the registration of certain notices and for the production of trust documents for inspection.