1995 No. 219

SUPREME COURT

Supreme Court (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 1995

Made . . . . . *22nd May 1995*

Coming into operation . . *1st June 1995*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) of the Judicature (Northern Ireland) Act 1978(**a**), after consultation with the Lord Chief Justice and with the concurrence of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 1995 and shall come into operation on 1st June 1995.

2. For Schedule 1 to the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1991(**b**) there shall be substituted the new Schedule 1 set out in the Schedule to this Order.

Dated 16th May 1995 *Mackay of Clashfern,* C.

We concur,

Timothy Kirkhope
Timothy Wood

Dated 22nd May 1995 Two of the Lords Commissioners of Her Majesty's Treasury

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(**a**) 1978 c. 23
(**b**) S.R. 1991 No. 293; as amended by S.R. 1992 No. 218 and S.R. 1994 No. 282

Amendment of the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1991

SCHEDULE 1 Article 4

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
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:—		
(*a*) if the assessed value does not exceed £10,000 ...	No Fee	
exceeds £10,000 but does not exceed £25,000 ...	£60·00	
exceeds £25,000 but does not exceed £40,000 ...	£120·00	
exceeds £40,000 but does not exceed £70,000 ...	£220·00	
exceeds £70,000 but does not exceed £100,000 ...	£320·00	
exceeds £100,000 but does not exceed £200,000 ...	£400·00	The requisition
(*b*) if the assessed value exceeds £200,000	£400·00	
and, for every additional £100,000 or part thereof a further fee of ...	£65·00	The requisition
Personal application fee		
2. On an application for a grant by a personal applicant (or for resealing such a grant if the application is prepared in the Probate and Matrimonial Office), save where Fee No. 3(*a*) is payable, in addition to any other fee:—		
(*a*) if the assessed value does not exceed £500 ...	£6·00	
exceeds £500 but does not exceed £1,000 ...	£10·00	
exceeds £1,000 but does not exceed £5,000 ...	£22·00	The requisition
(*b*) if the assessed value exceeds £5,000, for each £1,000 or part thereof ...	£6·00	The requisition

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
Special applications		
3. On an application for:—		
(*a*) a grant in respect of an estate exempt from estate duty under section 71 of the Finance Act 1952(**a**), from capital transfer tax by virtue of paragraph 1 of Schedule 7 to the Finance Act 1975(**b**) or from inheritance tax by virtue of section 154 of the Inheritance Tax Act 1984 (exemption for members of the armed forces, etc.);		
(*b*) a grant limited to trust property;		
(*c*) a duplicate grant;		
(*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 ...	£6·00	The requisition
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 (Provision for Family and Dependants) (Northern Ireland) Order 1979(**c**) ...	£6·00	The requisition
Caveats		
5. For the entry or the extension of a caveat or for a warning to a caveat ...	£11·00	The filed copy
Deposit of wills		
6. On depositing a will for safe custody in the Probate and Matrimonial Office or any branch office ...	£3·00	The requisition

(**a**) 1952 c. 33; sectioin 71 was repealed (with savings) by the Finance Act 1975 (c. 7), sections 50, 52(2), 59 and Schedule 13 Part 1

(**b**) 1975 c. 7; Schedule 7 was repealed (with savings) by the Inheritance Tax Act 1984, section 274, 275(1)-(3), 277 and Schedules 7 and 9

(**c**) S.I. 1979/924 (N.I. 8)

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
Searches		
7. For a search for a grant on behalf of the party applying (whether in person or by letter):—		
for every year or part of year ...	£3·00	The requisition
Inspection		
8. On inspection of an original will or any other document, including a copy of a will ...	£3·00	The requisition
Copies of documents		
9. (*a*) for a copy of all or part of any document, whether or not issued as an office copy, for each page ...	0·75	
(*b*) for a certified copy of any document ...	£2·00	
and for each page after the first, a further fee of ...	£1·50	
(*c*) for a sealed and certified copy of any document ...	£3·00	
and for each page after the first, a further fee of ...	£2·50	
(*d*) 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 ...	£20·00	The requisition
Postal application for copy of will or grant		
10. For handling a postal application for a copy of a will or grant, in respect of each estate ...	£3·00	The requisition
Oaths and guarantees		
11. Save in a personal application for a grant:—		
(*a*) for administering an oath, for each deponent to each affidavit ...	£4·00	
(*b*) for marking each exhibit ...	£1·00	
(*c*) for superintending and attesting execution of a guarantee for each surety ...	£3·00	The requisition

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
Production of documents, etc.		
12. On an application for the production of records or documents to be given in evidence:—		
(*a*) where the records or documents are sent by post, for each document ...	£3·00	
(*b*) where an officer is required to produce the records or documents in court ...	£6·00	
(i) for every hour or part thereof that he is necessarily absent from his office ...	£20·00	The requisition
(ii) his reasonable expenses of attendance		
Provided that the officer may require—		
(1) a deposit of money on account of any further fees and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, receipt of which shall be marked on the application;		
(2) an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.		
Settling documents		
13. For perusing and settling citations, advertisements, oaths, affidavits or other documents, for each document settled ...	£20·00	The requisition
Postal application for a grant		
14. For receiving an application for a grant through the post and for correspondence with reference thereto:—		
(*a*) where no fee is chargeable on application for the grant ...	£6·00	The requisition
(*b*) in other cases ...	£11·00	The requisition

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
Applications to the Master		
15. On any application to the master not otherwise provided for ...	£25·00	The requisition.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1991 so as to increase a number of the fees to be taken in non-contentious probate proceedings.