The Supreme Court (Non-Contentious Probate) Fees Order, 1950

1950 No. 1147 (L. 19)

Made - - - - 14*th July*, 1950

Coming into Operation 1*st September*, 1950

The Lord Chancellor, the Judges of the Supreme Court, and the Treasury, in exercise of the powers and authorities vested in them respectively by section 213 of the Supreme Court of Judicature (Consolidation) Act, 1925(**a**), and sections 2 and 3 of the Public Offices Fees Act, 1879(**b**), do hereby, according as the provisions of the said enactments respectively authorise and require them, make, advise, consent to, and concur in, the following Order:—

1.—(1) In this Order—

"The Principal Registry" means the Principal Probate Registry;

"District Registry" means a District Probate Registry;

"The Judicature Act, 1925" means the Supreme Court of Judicature (Consolidation) Act, 1925;

"A folio" means a folio of 90 words;

"Authorised place of deposit" means any place in which, in pursuance of section 170 of the Judicature Act 1925, the President of the Probate, Divorce and Admiralty Division, with the consent of the Lord Chancellor, has directed that original wills and other documents under the control of the High Court, either in the Principal Registry or in any District Registry, shall be deposited and preserved.

(2) Except where otherwise stated, a fee referred to by number means the fee so numbered in the First Schedule to this Order.

(3) 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 fees and percentages set out in the second column of the First Schedule to this Order shall be taken in the Principal Registry and in District Registries in respect of the items set out in the first column of that Schedule, subject to and in accordance with the directions contained in that Schedule.

3. The fees and percentages set out in the second column of the Second Schedule to this Order shall be taken in the Principal Registry and in District Registries in the departments for personal applications in non-contentious probate business in respect of the items set out in the first column of that Schedule, in addition to the fees and percentages set out in the First Schedule, subject to and in accordance with the directions contained in each of those Schedules.

(a) 15 & 16 Geo. 5. c. 49. (b) 42 & 43 Vict. c. 58. (c) 52 & 53 Vict. c. 63.

4.—(1) In the Principal Registry the fees prescribed by this Order, except Fee No. 49, shall be taken by stamps and in District Registries the fees shall be taken in cash.

(2) Fee No. 49 shall be taken in cash in such manner and at such times as the Treasury may direct.

(3) Fee No. 2 when taken by an officer of Customs and Excise shall be taken in cash.

5.—(1) In determining the value of any personal estate for the purpose of this Order, the value of any post-war credit shall be excluded.

(2) In this paragraph, the expression "post-war credit" means an amount of tax to which there is a claim under section 7 of the Finance Act, 1941(a), whether the amount has been ascertained and recorded or not.

6. If a Registrar is satisfied that a document has been destroyed or rendered useless as a result of enemy action and that it is necessary to replace it, one-half of the fee prescribed by Fees Nos. 5, 30 and 32 to 44 inclusive and the whole of Fee No. 3 in the Second Schedule to this Order shall be remitted.

7. The Orders or parts of Orders set out in the Third Schedule to this Order are hereby revoked.

8. This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order, 1950, and shall come into operation on the first day of September, 1950.

Dated the fourteenth day of July, 1950.

Jowitt, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.

R. J. Taylor,
Wm. Hannan,
} Lords Commissioners of His Majesty's Treasury.

(a) 4 & 5 Geo 6. c. 30.

FIRST SCHEDULE

Item	Fee	Character of Stamp
Grants		
1. On probates or letters of administration with or without the will annexed:—		
If the net real and personal estate is sworn to be—		
Under the value of—		
£	£ s. d.	
2,000	15 0	
3,000	3 0 0	
4,000	4 0 0	
5,000	5 0 0	
6,000	6 0 0	
7,000	7 0 0	
8,000	8 0 0	
9,000	9 0 0	
10,000	10 0 0	
12,000	11 0 0	
14,000	12 0 0	
16,000	13 0 0	
18,000	14 0 0	
20,000	15 0 0	
25,000	17 0 0	
30,000	20 0 0	
35,000	23 0 0	
40,000	25 0 0	Impressed
45,000	27 0 0	
50,000	29 0 0	
60,000	33 0 0	
70,000	36 0 0	
80,000	39 0 0	
90,000	42 0 0	
100,000	45 0 0	
120,000	48 0 0	
140,000	51 0 0	
160,000	54 0 0	
180,000	57 0 0	
200,000	60 0 0	
250,000	64 0 0	
300,000	68 0 0	
350,000	72 0 0	
400,000	76 0 0	
500,000	81 0 0	
For every additional £100,000 or any fractional part of £100,000 a further and additional fee of	10 0 0	
Note 1.—The net real and personal estate is to be valued as shown in the Inland Revenue Affidavit.		
Note 2.—This fee is not payable where Fee No. 2, Fee No. 3 or Fee No. 2 in the Second Schedule is payable.		
2. On probates or letters of administration where the gross real and personal estate does not exceed £500 and application is made under section 33 of the Customs and Inland Revenue Act, 1881, as extended by section 16 of the Finance Act, 1894	15 0	Impressed

Item	Fee	Character of Stamp
Grants—cont.	£ s. d.	
Note 1.—This fee includes any services rendered in the Personal Application Department.		
Note 2.—Where this fee is taken by an officer of Customs and Excise, it is to be taken in cash, and remitted to the Principal or District Probate Registrar in cash.		
3. On probates or letters of administration in respect of the estate of a member of the Armed Forces of the Crown or of a person dying from causes arising out of the operations of war, being causes arising during any war in which His Majesty may be engaged, where such estate is exempt from duty	15 0	Impressed
Subsequent Grants		
4. For any second or subsequent grant in respect of the same deceased person:—		
(*a*) if the fee or each fee previously paid was less than £1 1s. 0d.	The same fee as on the previous grant.	Impressed
(*b*) if the second or subsequent grant is a general grant preceded only by a grant or grants limited to settled land.	Fee No. 1, 2 or 3 whichever is applicable.	Impressed
(*c*) in any other case	1 1 0	Impressed
Note.—In cases (*a*) and (*c*) the fee is payable in addition to any further *ad valorem* fee due by reason of additional estate.		
5. For every duplicate or triplicate probate, or letters of administration with or without the will annexed	1 1 0	Impressed
Settled Land Grants		
6. For a grant limited to settled land	1 1 0	Impressed
Grants pendente lite *and* ad colligenda		
7. For a grant of administration *pendente lite* or *ad colligenda.*	Fee No. 1, 2, 3 or 4 whichever is applicable.	Impressed
Resealing. (Principal Registry only)		
8. For resealing a grant under the Colonial Probates Act, 1892	1 5 0	Impressed
9. For resealing a Northern Irish grant	1 5 0	Impressed
10. For resealing a Northern Irish grant made under section 16 Finance Act, 1894, and forwarded under section 169 (2) Judicature Act, 1925	2 6	Impressed
Note.—Fees Nos. 9 and 10 are applicable to the whole of Ireland if the death was prior to 22 November, 1921, and if the grant was prior to 1st April, 1923.		

Item	Fee	Character of Stamp
Resealing. (Principal Registry only)—cont.	£ s. d.	
11. For resealing a Scottish confirmation	1 5 0	Impressed
12. For resealing a Scottish confirmation under section 168 (3) Judicature Act, 1925, or under section 34 Customs and Inland Revenue Act, 1881, or under section 16 Finance Act, 1894 ...	2 6	Impressed
Alterations in Grants, &c.		
13. For noting on a grant that the deceased died domiciled in England, if not so noted when the grant was issued (inclusive fee)	12 0	Adhesive
14. For amending a grant (including Registrar's order, etc.)	10 0	Adhesive
And in addition, if a new bond is required ...	2 0	Adhesive
15. For revocation of a grant (including Registrar's order, etc.)	15 0	Adhesive
16. For impounding a grant, or releasing an impounded grant (inclusive fee)	12 0	Adhesive
17. For noting a reswearing of value and certificate of security (inclusive fee)	12 0	Adhesive
18. For noting on a grant and the record the addition of a personal representative (including filing the affidavit)	5 0	Adhesive
19. For noting on the record that an executor to whom power was reserved has renounced (inclusive fee)	7 6	Adhesive
20. For the preparation of a memorandum under the Inheritance (Family Provision) Act, 1938, photography thereof, and for noting the grant and record, and filing the Chancery order (inclusive fee)	15 0	Adhesive
Caveats		
21. For the entry or subduction of a caveat ...	1 0	Adhesive
22. For a warning to a caveat at the Principal Registry	2 6	Adhesive
23. For service of warning by post from the Principal Registry	2 6	Adhesive
24. For notice of subduction or of warning at the Principal Registry, sent to the District Registry in which the caveat was entered	1 0	Adhesive
Citations and Advertisements (Principal Registry)		
25. For settling abstract of citation for advertisement, or other advertisement	10 0	Impressed
26. For settling and sealing a citation (inclusive fee)	10 0	Impressed
Deposit of Wills		
27. For depositing a will of a deceased person in a Probate Registry for safe custody:—		
On renunciation of executor (inclusive fee)...	15 0	Adhesive
Further fee if deposited in a District Registry	5 0	Adhesive
28. For obtaining a will brought in on subpœna—on application for grant	5 0	Adhesive
29. For depositing, in the Principal Registry, the will of a living person for safe custody (inclusive fee)	15 0	Adhesive
Further fee if the will is forwarded through a District Registry	5 0	Adhesive

Item	Fee	Character of Stamp
Searches and Inspection	£ s. d.	
30. For search for a document filed in a Probate Registry or other authorised place of deposit, including inspection of the registered copy of the will or the original will (if unregistered) or any other document	1 0	Impressed
31. For inspecting an original will that has been registered—in addition to the fee for search ...	1 0	Impressed
32. For a search for a will or letters of administration or other document on behalf of the party applying (whether in person or by letter)—in addition to Fees Nos. 30 and 31:—		
For the search, for every year or part of a year	0 6	Impressed
For reading the document to the applicant, if required:—		
For every 20 folios or part of 20 folios ...	1 0	Impressed
Note.—Searches are not made on behalf of persons applying by letter for more than 5 years from the alleged date of death.		
Copies		
33. For a photographic copy or extract of a will deposited in a Probate Registry or other authorised place of deposit:—		
For each photographic sheet—		
(*a*) If of foolscap size	1 6	Adhesive
(*b*) If over foolscap size	3 0	Adhesive
34. For a photographic copy of probate or letters of administration	1 0	Impressed or adhesive
Note.—If the copy is to be sealed with the small seal of the Court, no further fee is payable for the seal.		
35. For a photographic copy of the record of the resealing in England of a Scottish confirmation or of a Northern Irish grant or Colonial grant:—		
For the first copy on each application ...	2 0	Adhesive
For each subsequent copy on the same application	1 0	Adhesive
Note.—If the copy is to be sealed with the small seal of the Court, no further fee is payable for the seal.		
36. For a type-written copy or extract of a document filed or deposited in a Probate Registry or other authorised place of deposit:—		
Where the document is under 200 years old—		
For 5 folios or under	2 6	Adhesive
For every additional folio or part of a folio	0 6	Adhesive
Where the document is 200 years old or older—		
For 5 folios or under	5 0	Adhesive
For every additional folio or part of a folio	0 9	Adhesive
37. If the document or part of the document is copied *facsimile*, in addition to Fee No. 36:—		
If 2 folios *facsimile* or under	1 0	Adhesive
For every additional folio or part of a folio	0 6	Adhesive

Item	Fee	Character of Stamp
Copies—cont.	£ s. d.	
38. For collating a copy with the original document, including the Registrar's certificate in verification thereof:—		
If 10 folios or under	2 6	Adhesive
For every additional folio	3	Adhesive
and in addition, if there is any pencil writing copied or any part thereof is *facsimile*:—		
If 2 folios or under	6	Adhesive
For every additional folio or part of a folio ...	3	Adhesive
Note.—This fee is not payable on a photographic copy.		
39. For the Registrar's certificate in verification of a photographic copy	2 6	Adhesive
40. For impressing the seal of the Court on a copy	5 0	Adhesive
Note.—This fee is not payable for impressing the small seal of the Court on an uncertified photographic copy of probate or letters of administration or of the record of the re-sealing in England of a Scottish confirmation or of a Northern Irish grant or Colonial grant.		
41. For copies of plans, drawings, armorial bearings, etc.	Such fee as shall be determined by the Registrar in each case.	Adhesive
42. For an exemplification, in addition to the fees for engrossing and collating	1 1 0	Impressed
43. For engrossing and collating wills, etc.:—		
If 3 folios or under	4 6	Adhesive
For every additional folio	1 6	Adhesive
44. For examining and sending by post a plain copy of a will	6	Adhesive (in Correspondence Department, impressed).
Commissioners' Fees		
45.—(i) On administering an oath, for each deponent	2 6	Adhesive
(ii) For marking each exhibit	1 6	Adhesive
Note.—This fee is not payable where Fee No. 4 in the Second Schedule is payable.		
46. For superintending and attesting execution of a bond, in respect of each obligor	2 6	Adhesive
Note.—This fee is not payable where Fee No. 5 in the Second Schedule is payable.		
Miscellaneous		
47. For production by an officer of the Court of books or documents in any court of law, or elsewhere:—		
Where an officer of the Court has to remain in attendance, for each day or part of a day on which he so attends (in addition to necessary expenses)	2 0 0	Impressed
In other cases	10 0	Impressed

Item	Fee	Character of Stamp
Miscellaneous—cont.	£ s. d.	
48. For producing a will to be photographed in the Probate Registry in which the will has been proved or in which it is deposited	1 1 0	Impressed
49. For notification by the Principal Registry to a charitable institution of a bequest in its favour, and forwarding extract	10 6	
50. For taxing a bill of costs in the Principal Registry, inclusive of the Registrar's certificate	The same fees as are payable in an action.	Impressed
51. For a summons, order on summons, motion and order on motion	The same fees as are payable in an action.	Impressed
52.—(i) For a Registrar's order	2 6	Adhesive
(ii) For filing a document	2 6	Adhesive
(iii) For a certificate or minute under the hand of a Registrar or Judge ... ... *Note.*—This fee is not payable where the order, the filing, or the certificate or minute, is included in a proceeding for which another fee is payable.	2 6	Adhesive
53. For Registrar's fiat on refusing probate (inclusive fee)	7 6	Adhesive
54. For perusing and settling oaths, affidavits or other documents:—		
For any one document settled	5 0	Adhesive
For any number of additional documents in the same case, a further inclusive fee of ...	5 0	Adhesive
Correspondence in District Registries		
55. For receiving an application for a grant (including cases under section 33 of the Customs and Inland Revenue Act, 1881, and section 16 of the Finance Act, 1894,) through the post in a District Registry or where the Inland Revenue Affidavit has not been controlled, and for correspondence with reference to the same *Note.*—The District Probate Registrar will forward the Inland Revenue Affidavit to the Estate Duty Office if desired.	Ten per cent. on the *ad valorem* fee applicable to the estate. Minimum fee, 5s. Maximum fee, £2.	
56. For correspondence on any other application in respect of which any fee in this Schedule (except Fees Nos. 30 to 44 for searches and copies) is payable	3 6	

SECOND SCHEDULE

Fees in respect of Personal Applications

Item	Fee	Character of Stamp
1. On probates or letters of administration with or without the will annexed; on any second or subsequent grant in respect of the same deceased person; or on resealing a grant under the Colonial Probates Act, 1892:—	£ s. d.	
If the net real and personal estate is sworn to be—		
Under the value of—		
£ 5	10 0	
20	12 6	
100	2 0 0	
200	2 5 0	
300	2 10 0	
450	2 10 0	
600	2 15 0	
800	3 0 0	
1,000	3 10 0	
1,500	4 0 0	Impressed
2,000	4 10 0	
Of the value of £2,000 or over	The same fee as would be payable for a grant of probate under Fee No. 1 in the First Schedule.	
Note 1.—This fee is not payable where Fee No. 2 or Fee No. 3 in the First Schedule or Fee No. 2 in this Schedule is payable.		
Note 2.—Where this fee is payable, it is payable in addition to Fee No. 1 in the First Schedule, and also in addition to Fee No. 4 in the First Schedule where that fee is payable.		

Item	Fee	Character of Stamp
Small Intestate Estates	£ s. d.	
2. On letters of administration of the estate of an intestate granted to his widow and/or one or more of his children, or to one or more of the children of an intestate widow:—		
If the gross personal estate is sworn—		
Not to exceed in value £20	5 0	Impressed
,, ,, ,, £30	6 0	
,, ,, ,, £40	7 0	
,, ,, ,, £50	8 0	
,, ,, ,, £60	9 0	
,, ,, ,, £70	10 0	
,, ,, ,, £80	11 0	
,, ,, ,, £90	12 0	
,, ,, ,, £100	13 0	
Duplicate and Triplicate Grants		
3. For every duplicate or triplicate probate or letters of administration with or without the will annexed:—		
If the net personal estate is sworn to be—		
Under the value of £450	15 0	Impressed
Of the value of £450 or over	1 0 0	Impressed
Oaths, etc., other than those to lead grant		
4.—(i) On administering an oath, other than one included in the foregoing fees, for each deponent	2 6	Impressed
(ii) For marking each exhibit	1 6	Impressed
Bonds		
5. On giving additional security, for preparing and attesting a new bond and looking up former bond	1 0 0	Impressed
6. On preparing any affidavit or document to lead a Registrar's order	5 0	Impressed

THIRD SCHEDULE

The Supreme Court (Non-Contentious Probate) Fees Order 1928 (S.R. & O. 1928 (No. 972) p. 1228).
The Supreme Court (Non-Contentious Probate) Fees Order 1930 (S.R. & O. 1930 (No. 1063) p. 1752).
The Supreme Court (Non-Contentious Probate) Fees Order 1933 (S.R. & O. 1933 (No. 588) p. 1824).
The Supreme Court (Non-Contentious Probate) Fees Order 1934 (S.R. & O. 1934 (No. 401) II p. 609).
The Supreme Court (Non-Contentious Probate) Fees Order 1936 (S.R. & O. 1936 (No. 200) II p. 2549).
The Supreme Court (Non-Contentious Probate) (No. 2) Fees Order 1936 (S.R. & O. 1936 (No. 1356) II p. 2550).
The Supreme Court (Non-Contentious Probate) Fees Order 1939 (S.R. & O. 1939 (No. 1799) II p. 3130).
The Supreme Court (Non-Contentious Probate) Fees Order 1940 (S.R. & O. 1940 (No. 1371) I p. 1007).
The Supreme Court (Non-Contentious Probate) Fees Order 1941 (S.R. & O. 1941 (No. 1166) I p. 1124).
The Supreme Court (Non-Contentious Probate) Fees (Post-War Credit) Order 1943 (S.R. & O. 1943 (No. 735) I p. 938).
Paragraph two of the Supreme Court Fees (Amendment) Order 1944 (S.R. & O. 1944 (No. 999) I p. 979).
The Supreme Court (Non-Contentious Probate) Fees Order 1947 (S.R. & O. 1947 (No. 721) I p. 2087).
The Supreme Court (Non-Contentious Probate) Fees Order 1948 (S.I. 1948 (No. 1270) I p. 4059).

EXPLANATORY NOTE

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

This Order consolidates, with amendments, the Supreme Court (Non-Contentious Probate) Fees Order 1928 and the subsequent amending Orders mentioned in the Third Schedule. The amendments are the extension of Fees Nos. 30, 33 and 36 in the First Schedule to cover documents deposited in authorised places of deposit in pursuance of section 170 of the Supreme Court of Judicature (Consolidation) Act 1925 and the application of Fee No. 33 to District Probate Registries, to which the use of photographic methods is gradually being extended.

FUNDS

The Supreme Court Funds Rules, 1950

1950 No. 692 (L. 16)

Made - - - -	*26th April*, 1950
Laid before Parliament	*1st May*, 1950
Coming into Operation	*8th May*, 1950

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, with the concurrence of the Treasury, and in exercise of the powers contained in section 146 of the Supreme Court of Judicature (Consolidation) Act,