1958 No. 161 (L. 4)

The Supreme Court (Non-Contentious Probate) Fees Order, 1958

Made - - - - 30*th January*, 1958
Coming into Operation 1*st March*, 1958

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) This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order, 1958, and shall come into operation on the first day of March, 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.

(3) The Supreme Court (Non-Contentious Probate) Fees Order, 1950(**d**), is hereby revoked.

2.—(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;

"Grant" means a grant of probate or letters of administration;

"A folio" means a folio of 72 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 Schedule to this Order.

3. The fees and percentages set out in the second column of the 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.

(**a**) 15 & 16 Geo. 5. c. 49. (**b**) 42 & 43 Vict. c. 58.
(**c**) 52 & 53 Vict. c. 63. (**d**) S.I. 1950/1147 (Rev. XXII, p. 272: 1950 II, p. 898).

4.—(1) In the principal registry the fees prescribed by this Order, except Fee No. 24, shall be taken by impressed judicature fee stamps and in district registries the fees shall be taken in cash.

(2) Fee No. 24 shall be taken in cash in such manner and at such times as the Treasury may direct.

(3) Fee No. 3 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 there shall be excluded the value of:—

(*a*) a post-war credit; and

(*b*) a death gratuity payable under section 2 of the Superannuation Act, 1909(**a**), as amended, section 39 of the Superannuation Act, 1949(**b**), or section 2 (2) of the Administration of Justice (Pensions) Act, 1950(**c**).

(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(**d**), whether the amount has been ascertained and recorded or not.

6.—(1) 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. 4 (*d*), 10 and 12 to 19 inclusive shall be remitted.

(2) Where it appears to the Lord Chancellor that the payment of any fee specified in this Order would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chancellor may, with the concurrence of the Treasury, reduce or remit the fee in that particular case.

(3) Where by any convention entered into by Her Majesty with any Foreign Power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(4) The fees specified in this Order shall be remitted where such fees if taken would be payable out of money provided by Parliament:

Provided that this sub-paragraph shall not apply to cases in which such fees are included in costs incurred by the Crown upon any proceedings which other parties may be required to pay.

(5) Where an application for a grant is withdrawn before the issue of the grant, a registrar may reduce or remit a fee.

Dated the 30th day of January, 1958.

Kilmuir, C.
Goddard, C.J.
Evershed, M.R.
Merriman, P.

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

(**a**) 9 Edw. 7. c. 10. (**b**) 12, 13 & 14 Geo. 6. c. 44.
(**c**) 14 & 15 Geo. 6. c. 11. (**d**) 4 & 5 Geo. 6. c. 30.

SCHEDULE

First Column — Item	Second Column — Fee
Grants and Resealing	£ s. d.
1. On application for a grant of probate or letters of administration with or without the will annexed other than an application to which Fee No. 3, 4 or 5 applies:—	
If the net real and personal estate passing under the grant is sworn in the Inland Revenue Affidavit to be—	
Under the value of—	
£ 500	15 0
1,000	1 0 0
2,000	2 0 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
11,000	11 0 0
12,000	12 0 0
13,000	13 0 0
14,000	14 0 0
15,000	15 0 0
16,000	16 0 0
17,000	17 0 0
18,000	18 0 0
19,000	19 0 0
20,000	20 0 0
30,000	25 0 0
40,000	30 0 0
50,000	35 0 0
80,000	40 0 0
120,000	50 0 0
200,000	60 0 0
For every additional £100,000 or any fractional part of £100,000 a further and additional fee of...	10 0 0
2. On application for a grant of probate or letters of administration by a personal applicant, or for resealing such a grant if the application is prepared in the principal or a district registry, save where Fee No. 3, 4 (*a*) or 6 is payable, in addition to any other fee:—	
If the net real and personal estate is stated to be—	
Under the value of—	
£ 5...	10 0
20...	12 6
100...	2 0 0
200...	2 5 0
450...	2 10 0
600...	2 15 0
1,500...	3 0 0
2,000...	3 10 0
Of the value of £2,000 or over	The same fee as would be payable for a grant under Fee No. 1.

First Column Item	Second Column Fee
	£ s. d.
3. On application for a grant where the estate as defined by section 33 of the Customs and Inland Revenue Act, 1881, as extended by section 16 of the Finance Act, 1894, does not exceed £500	15 0
4. Where neither Fee No. 3 nor 6 of this Schedule applies, on application for:— (*a*) a grant in respect of an estate exempt from duty under section 71 of the Finance Act, 1952 (which gives exemption from estate duty for members of the armed forces, *etc.*); (*b*) a grant limited to settled land; (*c*) a grant limited to trust property; (*d*) a duplicate grant; (*e*) resealing a Scottish confirmation, a Northern Irish grant or a grant under the Colonial Probates Act, 1892; or (*f*) 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 settled land, to trust property or to a part of the estate ...	1 0 0
5. On application for a grant including settled land	Such fee as would have been payable under Fee No. 1 had the settled land not been included.
6. On application for resealing a Scottish confirmation or a Northern Irish grant lodged at the principal registry and of the class described in section 168 (3) or section 169 (2), respectively, of the Judicature Act, 1925	2 6
Alterations in Grants, etc.	
7. For making any notation on or amendment to the grant and record after issue, or impounding or revoking a grant, or releasing an impounded grant (inclusive of filing any document, making any order, or preparing any memorandum under the Inheritance (Family Provision) Act, 1938)	1 0 0
Caveats	
8. For the entry or withdrawal of a caveat, for a warning to a caveat at the principal registry or for any notice sent by the principal registry to a district registry in respect of a caveat ...	2 6
Deposit of Wills	
9. On depositing a will for safe custody in the principal or a district registry (including the filing of any related documents)...	1 0 0

First Column	Second Column
Item	Fee
Searches and Inspection	£ s. d.
10. Save where the document is over one hundred years old and search is made under a permit issued by authority of the President of the Probate Division, for search for a document filed in the principal or a district 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
11. For inspecting an original will that has been registered—in addition to the fee for search	1 0
12. 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. 10 and 11:—	
For every year or part of a year	0 6
Copies	
13. For a photographic copy of all or part of any document in the principal or a district registry (whether issued as an office copy or not):—	
For each photographic sheet—	
(*a*) if not over foolscap size	2 0
(*b*) if over foolscap size	4 0
14. For a type-written copy of all or part of any document in the principal or a district registry:—	
Where the document is under 200 years old—	
For 5 folios or under	2 6
For every additional folio or part of a folio	6
Where the document is 200 years old or older—	
For 5 folios or under	5 0
For every additional folio or part of a folio	9
15. For collating a copy with the original document, including the registrar's certificate in verification thereof:—	
If 10 folios or under	2 6
For every additional folio	3
and in addition, if there is any pencil writing copied or any part thereof is *facsimile:*—	
If 2 folios or under	6
For every additional folio or part of a folio	3
16. For an exemplification, in addition to the fees for typing and collating, or preparing by photography, the necessary documents (inclusive of certification and sealing)	1 0 0
17. For sending by post a copy of any document—	
(*a*) to an address within the Inland Postage limits	6
(*b*) to any other address	The nearest multiple of 6d. above the postage.

First Column	Second Column
Item	Fee
Miscellaneous	£ s. d.
18. For the certificate or minute of a judge or registrar	2 6
19. For impressing the seal of the court on any document ...	5 0
20. Save in a personal application for a grant—	
(*a*) for administering an oath, for each deponent to each affidavit	2 6
(*b*) for marking each exhibit	1 6
(*c*) for superintending and attesting execution of a bond, for each obligor	2 6
21. Save in a personal application for a grant, for preparing any affidavit, bond, or other document for a party in person ...	5 0
22. Upon an application for the production of records or documents in any court of law or elsewhere:—	
(*a*) Where an officer is required to attend, whether on subpoena or not, his reasonable expenses, and, in addition, for each day or part of a day when he is necessarily absent from his office	2 0 0
The officer may require a deposit of stamps 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, and the officer taking such deposit shall thereupon make a memorandum thereof on the application.	
The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.	
(*b*) Where the records or documents are to be given in evidence in a probate cause or matter and the officer is required to produce them from the principal registry or from a district registry, but is not required to remain in attendance at the Court	10 0
23. 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 0 0
24. For notification by the principal registry to a charitable institution of a bequest in its favour, and forwarding extract ...	10 6
25. 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.
26. For a summons, order on summons, motion and order on motion	The same fees as are payable in an action.

First Column Item	Second Column Fee
	£ s. d.
27. For a registrar's order (other than on summons) or fiat on refusing probate, save in a matter on which Fee 3 is payable ...	5 0
28. For filing any document, other than one lodged on application for a grant or resealing or included in Fee No. 7 or 9... ...	2 6
29. For perusing and settling citations, advertisements, oaths, affidavits or other documents:—	
For any one document settled	10 0
For any number of additional documents in the same case at the same time	10 0
Correspondence in District Registries	
30. For receiving an application for a grant (including cases under section 33 of the Customs and Inland Revenue Act, 1881, as extended by section 16 of the Finance Act, 1894) through the post in a district registry or where the Inland Revenue Affidavit has not been controlled but requires controlling before the issue of the grant, and for correspondence with reference to the same	Ten per cent. of the fee payable on application for the grant. Minimum fee, 5s. Maximum fee, £2.
31. For correspondence on any other matter in respect of which any fee in this Schedule (except Fees Nos. 10 to 17 for searches and copies) is payable	3 6

EXPLANATORY NOTE

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

This Order replaces the Supreme Court (Non-Contentious Probate) Fees Order, 1950. It increases certain fees, especially Nos. 1 and 13; it reduces certain others; and by abolishing obsolete items and amalgamating others, it simplifies the fees structure.