STATUTORY INSTRUMENTS

1975 No. 1344 (L.16)

SUPREME COURT OF JUDICATURE, ENGLAND

FEES AND STAMPS

The Supreme Court (Non-Contentious Probate) Fees Order 1975

Made - - - - *29th July* 1975

Coming into Operation *1st October* 1975

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 1975 and shall come into operation on 1st October 1975.

(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.—(1) In this Order, unless the context otherwise requires—

"the principal registry" means the Principal Registry of the Family Division and any sub-registry attached thereto;

"district registry" includes the probate registry of Wales, district probate registries and any sub-registries attached thereto;

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

"authorised place of deposit" means any place in which, by virtue of a direction given under section 170 of the Supreme Court of Judicature (Consolidation) Act 1925, original wills and other documents under the control of the High Court (either in the principal registry or in any district registry) are deposited and preserved.

(2) A fee referred to by number means the fee so numbered in the Schedule to this Order.

(3) Unless the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment.

3. The fees set out in column 2 of the Schedule to this Order shall be taken in the principal registry and in district registries in respect of the items set out opposite thereto in column 1.

4. The fees prescribed by this Order shall be taken in cash.

(a) 1925 c. 49. (b) 1879 c. 58. (c) 1889 c. 63.

5. In determining the value of any personal estate for the purpose of this Order there shall be excluded the value of a death gratuity payable under section 2(2) of the Administration of Justice (Pensions) Act 1950(**a**) or payable to the personal representatives of a deceased civil servant by virtue of a scheme made under section 1 of the Superannuation Act 1972(**b**).

6.—(1) Where it appears to the Lord Chancellor that the payment of any fee specified in the Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chancellor may reduce or remit the fee in that case.

(2) 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.

(3) 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.

(4) Where any application for a grant is withdrawn before the issue of the grant, a registrar may reduce or remit a fee.

(5) Where, on application for a grant by a personal applicant, the papers leading to the grant are prepared by the applicant himself, a registrar may remit up to one-half of the fee prescribed by Fee No. 2.

7. The Supreme Court (Non-Contentious Probate) Fees Order 1970(**c**), the Supreme Court (Non-Contentious Probate) Fees (Amendment) Order 1972(**d**) and the Supreme Court (Non-Contentious Probate) Fees (Amendment) Order 1974(**e**) are hereby revoked, save as to any fee due or payable before the commencement of this Order.

Dated 24th July 1975.

Elwyn-Jones, C.

Dated 21st July 1975.

Widgery, C.J.
Denning, M.R.
George Baker, P.

Dated 29th July 1975.

M. Cocks,
Donald R. Coleman,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(**a**) 14 & 15 Geo. 6. c. 11. (**b**) 1972 c. 11. (**c**) S.I. 1970/1869 (1970 III, p. 6128).
(**d**) S.I. 1972/1191 (1972 II, p. 3530). (**e**) S.I. 1974/1381 (1974 II, p. 5320).

SCHEDULE

Column 1	*Column* 2
Item	Fee £
Application for grants	
1. On an application for a grant other than an application to which Fee No. 3 or 4 applies:—	
If the value of the net real and personal estate passing under the grant is sworn in the Inland Revenue affidavit or stated in the Inland Revenue account to be—	
Not more than £	
1,000	No fee
3,000	5.00
5,000	10.00
10,000	20.00
15,000	30.00
20,000	40.00
25,000	50.00
30,000	60.00
35,000	70.00
40,000	80.00
45,000	90.00
50,000	100.00
55,000	110.00
60,000	120.00
65,000	130.00
70,000	140.00
75,000	150.00
80,000	160.00
85,000	170.00
90,000	180.00
95,000	190.00
100,000	200.00
And for every additional £100,000 or any part thereof, a further and additional fee of	50.00
2. On an application for a grant by a personal applicant, or for resealing such a grant if the application is prepared in the registry, save where Fee No. 3(*a*) is payable, in addition to any other fee:—	
(*a*) If the value of the net real and personal estate passing under the grant is sworn in the Inland Revenue affidavit or stated in the Inland Revenue account to be—	
Not more than £	
500	1.00
1,000	2.00
5,000	5.00
(*b*) If the value of the net real and personal estate passing under the grant is sworn to be more than £5,000 for each £1,000 or fractional part of £1,000	1.00

SCHEDULE—*continued*

Column 1 Item	*Column* 2 Fee £
3. On application for:— (*a*) a grant in respect of an estate exempt from duty under section 71 of the Finance Act 1952(a) or from capital transfer tax by virtue of paragraph 1 of Schedule 7 to the Finance Act 1975(b) (which gives exemption 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 grant under the Colonial Probates Act 1892(c); 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	2.00
4. 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.
Caveats 5. For the entry of a caveat or for a warning to a caveat	2.00
Search 6. On an application for a standing search to be carried out in an estate, for each search period of six months ..	1.00
Deposit of wills 7. On depositing a will for safe custody in the principal or a district registry	1.00
Inspection 8. On inspection of an original will or any other document, including a copy of a will	0.25
Note: *This fee shall not be taken where a search is made for research or similar purposes for a document filed in the principal registry or a district registry or other authorised place of deposit and made under a permit issued by the authority of the President of the Family Division.*	
Copies of documents 9. For a copy of all or part of any document, whether or not issued as an office copy, for each page	0.25

(a) 1952 c. 33. (b) 1975 c. 7. (c) 1892 c. 6.

SCHEDULE—*continued*

Column 1	*Column* 2
Item	Fee £
10. For a sealed and certified copy of any document ..	1.00
And for each page after the first, a further and additional fee of	0.25
11. For an exemplification or a copy signed by a registrar and countersigned by the President, including the fees for preparing the necessary documents	5.00
Postal application	
12. For handling a postal application in the Principal Registry for a copy of a will or grant, in respect of each estate	0.50
Oaths and guarantees	
13. Save in a personal application for a grant—	
(*a*) for administering an oath, for each deponent to each affidavit	1.00
(*b*) for marking each exhibit	0.40
(*c*) for superintending and attesting execution of a guarantee for each surety	1.00
Production of documents, etc.	
14. 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 the first document	1.00
for each additional document	0.25
(*b*) where an officer is required to produce the records or documents in court	2.00
and, in addition,	
(i) for every half-day or part thereof that he is necessarily absent from his office	5.00
(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.	
Taxation of costs	
15. 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.

SCHEDULE—*continued*

Column 1	*Column* 2
Item	Fee £
Settling documents	
16. For perusing and settling citations, advertisements, oaths, affidavits or other documents, for each document settled	2.00
Charitable bequests	
17. For notification by the principal registry to a charitable institution of a bequest in its favour, and forwarding extract	1.00

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order replaces the Supreme Court (Non-Contentious Probate) Fees Order 1970. It increases certain fees payable on, or relating to, applications for grants of probate and letters of administration; it introduces new fees for maintaining a standing search (Fee No. 6) and for dealing with postal enquiries (Fee No. 12); and, by dispensing with, or combining, most minor fees and abolishing obsolete items, it simplifies the fees structure.

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