1979 No. 161

JUDICATURE, NORTHERN IRELAND

FEES AND PERCENTAGES

Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1979

Made . . . . . 30*th April* 1979

Coming into operation . . . . 21*st May* 1979

The Lord Chancellor, after consultation with the Lord Chief Justice and with the concurrence of the Treasury, in exercise of the powers conferred by section 116 of the Judicature (Northern Ireland) Act 1978(**a**) and sections 2 and 3 of the Public Offices Fees Act 1879(**b**) hereby makes the following Order:

1. This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1979 and shall come into operation on 21st May 1979.

2.—(1) In this Order—

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

"master" means the Master (Probate and Matrimonial), the Registrar (Probate and Matrimonial) or a circuit registrar.

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

(3) The expression "A4", followed by the letters "I.S.O.", means the size of paper so referred to in the specifications of the International Standards Organisation.

3. The fees set out in column 2 of the Schedule to this Order shall be taken in the Probate and Matrimonial Office and Branch Offices in respect of the items set out opposite thereto in column 1, subject to and in accordance with the directions contained in that Schedule.

4. In the Probate and Matrimonial Office the fees prescribed in this Order shall be taken by impressed stamps and in Branch Offices the fees shall be taken in cash.

5. In determining the value of any estate for the purpose of this Order there shall be excluded the value of:—

(*a*) a death gratuity awarded in respect of the service of a deceased Civil Servant or other servant of the Crown in respect of which Estate Duty or capital transfer tax is not payable;

(a) 1978 c. 23
(b) 1879 c. 58

(*b*) a death gratuity payable under section 2(2) of the Administration of Justice (Pensions) Act 1950(**c**).

6.—(1) Where it appears to the Lord Chief Justice 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 Chief Justice 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 these proceedings.

(3) The fees specified in this Order shall be remitted where such fees if taken would be payable out of money provided by the Parliament of the United Kingdom.

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, the master may reduce or remit a fee.

(5) Where, in the estate of a person who died domiciled in Northern Ireland a grant has been obtained in England or a confirmation in Scotland, court fees shall not be payable in Northern Ireland in respect of the property passing under such grant or confirmation.

7. The fees taken under this Order shall be applied as the Lord Chancellor, with the concurrence of the Treasury, may direct.

Dated the 26th April 1979.

(Signed)
Elwyn-Jones, C.

We concur

(Signed)
T. M. Cox
T. E. Graham
Lords Commissioners of Her Majesty's Treasury

Dated the 30th April 1979.

(**c**) 1950 c. 11

SCHEDULE

Column 1	Column 2
Item	*Fee* £
Application for grants	
1. On application for a grant other than an application to which Fee No. 3 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 £2,000—No fee.	
More than £2,000 but not more than £100,000—£2.50 per £1,000 or part thereof.	
And for every additional £100,000 or any part thereof, a further and additional fee of	50.00
2. On application for a grant by a personal applicant, 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
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 trust property;	
(*c*) a duplicate grant;	
(*d*) resealing a grant under the Colonial Probates Act 1892(c); or	
(*e*) 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	2.00

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

SCHEDULE

Column 1	Column 2
Item	*Fee* £
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, making any order, or preparing any memorandum under the Inheritance (Family Provision) Act (Northern Ireland) 1960(**d**) as amended by the Family Provision Act (Northern Ireland) 1969(**e**)	2.00
Caveats	
5. For the entry of a caveat or for a warning to a caveat	4.00
Deposits of wills	
6. On depositing a will for safe custody in the Probate and Matrimonial Office or Branch Offices	1.00
Searches	
7. For a search of a grant on behalf of the party applying (whether in person or by letter):— for every year or part of a year	0.25
Inspection	
8. On inspection of an original will or any other document, including a copy of a will	0.25
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
10. For a certified copy of any document—	0.50
And for each page after the first a further additional fee of	0.25
11. 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
12. For an exemplification or a copy signed by the Master and countersigned by the Lord Chief Justice, including the fees for preparing the necessary documents	5.00
13. For sending by post a copy of any document—	
(*a*) to an address within the inland postage limits	0.10
(*b*) to any other address	the nearest multiple of 10p. above postage.

(**d**) 1960 c. 15 (N.I.) (**e**) 1969 c. 38 (N.I.)

SCHEDULE

Column 1	Column 2
Item	*Fee* £
Oaths and guarantees	
14. 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.	
15. 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 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.	
Settling documents	
16. For perusing and settling citations, advertisements, oaths, affidavits or other documents, for each document settled.	5.00
Charitable bequests	
17. For a summons or a motion and an order made thereon—	the same fees as are payable in an action.
18. For a master's order other than on summons (inclusive of filing any document in support of application)	1.00

SCHEDULE

Column 1	Column 2
Item	*Fee* £
Correspondence in a branch office	
19. For receiving an application for a grant through the post in a Branch Office and for correspondence with reference thereto	Where no fee is chargeable on application for the grant £0.25. In other cases ten per cent. of the fee chargeable on application for the grant, subject, however, to a maximum fee of £2.00.

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 (N.I.) 1976. It increases certain fees payable on, or relating to, applications for grants of probate and letters of administration on caveats and on settling documents.