

SCHEDULE A

NOTES:

1. In relation to fees number 42 and 45, and their corresponding Tables, where income exceeds the lower limit of a band by less than the difference between the fees for that band and the next lower band, the fee charged shall be the fee for the lower band plus the amount by which the income exceeds the upper limit of the band. For example, in calculating fee No. 42 on a clear annual income of (£2,050) which exceeds the lower limit (£2,000) on Band (iii) by less than the difference (£75) between the fee (£150) on Band (iii) and the fee (£75) on Band (ii), the fee payable is—

£75 (the fee on Band (ii))
+ £50 (the amount by which the income exceeds £2,000)
£125

2. In relation to fee number 42—

(1) The annual administration fee shall be payable in respect of the clear annual income at the disposal of the patient from the date of issue of the first application for the appointment of a controller or other originating process until the termination of the proceedings.

(2) In any case in which it appears to the court that the amount certified has been wrongly assessed, the court may direct that the fee is to be adjusted upon the passing of the controller's accounts or at such other time as appears to the court to be convenient.

(3) No administration fee may be taken where the proceedings are terminated before any order is made.

(4) The clear annual income at the patient's disposal, for the purposes of this fee does not include income which accrued and became payable to him more than six months prior to the date of the first application for the appointment of a controller or other originating process but which was received after that date.

3. Fees number 42 and 43 are not payable where an officer of the court is acting as controller for the patient.

4. In relation to fee number 43—

(1) "special case" means an order made by the court—

- (a) under paragraph (b), (c), (d) and (h) of Article 99(1) of the Order;
- (b) relating to the sale or purchase by the patient in exercise of his powers as a tenant for life under the Settled Land Acts 1882 to 1890;
- (c) under section 57(3) of the Trustee Act (Northern Ireland) 1958.

(2) In a special case, the standard fee payable shall be increased where there is readily ascertainable pecuniary consideration in the nature of capital arising to or provided by the patient (otherwise than by way of loan to, or repayment of a loan by the patient), no account being taken of the possible capitalisation of the value of rents or interest of other income payments.

(3) Where a transaction is to be approved under an order mentioned in fee number 43, the fee shall be taken on the approval of the transaction and the Office shall issue a certificate stating the amount payable.

(4) Except when the court otherwise directs, no fee shall be payable under fee number 43 upon the sale or purchase of personal chattels or any investment for the time being authorised by law for the investment of trust property or in securities quoted in any stock exchange in the United Kingdom.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5.—(1) In relation to fee number 44, the clear annual income at the patient's disposal for the purpose of this fee does not include income which accrued and became payable to him more than six months prior to the date when the court's jurisdiction was first exercised in relation to him.

(2) In relation to fee number 45, no annual fee shall be taken where the proceedings are terminated less than four weeks from the date of issue of the first application for the appointment of a controller.

6. In relation to fees number 41(2), 41, 43 and 44, no fee shall be payable on any income by way of a war pension or war injuries (civilian) pension in respect of—

- (a) service in the armed forces of the Crown to which section 2 of the War Pensions Act 1920 applies; or
- (b) service in the armed forces of the Crown after 2nd September 1939, or
- (c) service before the 15th August 1945 to which the Pension (Polish Forces) Scheme 1964 applies; or
- (d) detention, capture, war injury or war risk injury within the meaning of any scheme (other than that mentioned in paragraph (c) above) made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, or under that Act as amended and applied by the Pensions (Mercantile Marine) Act 1942; or
- (e) war service injury within the meaning of the Personal Injuries (Civilians) Scheme 1983 as amended in the case of a civil defence volunteer to whom that Scheme applied.