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STATUTORY INSTRUMENTS

2005 No. 3359

SUPREME COURT OF ENGLAND AND WALES

**The Non-Contentious Probate Fees
(London Terrorist Bombings) Order 2005**

Made - - - - 2nd December 2005

Laid before Parliament 7th December 2005

Coming into force - - 29th December 2005

The Lord Chancellor makes the following Order in exercise of the powers conferred upon him by sections 92 and 108(6) of the Courts Act 2003⁽¹⁾ and section 128 of the Finance Act 1990⁽²⁾. In accordance with section 92 of the Courts Act 2003, he has consulted the Lord Chief Justice, the Master of the Rolls, the President of the Queen’s Bench Division, the President of the Family Division, the Chancellor of the High Court, the Head of Civil Justice, the Deputy Head of Civil Justice, and the Civil Justice Council.

Citation, commencement and interpretation

1.—(1) This order may be cited as the Non-Contentious Probate Fees (London Terrorist Bombings) Order 2005 and shall come into force on 29th December 2005.

(2) In this Order “the 2004 Order” means the Non-Contentious Probate Fees Order 2004⁽³⁾.

Remission of Fees

2. Notwithstanding the provisions of Article 4 of the 2004 Order, where it appears to the Lord Chancellor that an application for a grant is in respect of—

- (a) a death occurring as a result of another person’s detonation of a bomb in London on 7th July 2005, or
- (b) a death occurring as a result of action taken in a police operation following another person’s attempted detonation of a bomb in London on 21st July 2005,

(1) 2003 c. 39
(2) 1990 c. 29
(3) SI 2004/3120

he shall remit any fee prescribed by the 2004 Order.

Transitional Provision

3. Where—

- (a) a fee has been paid under the 2004 Order after 7th July 2005 but before 29th December 2005 and
- (b) if this Order had been in force when the fee was paid, the Lord Chancellor would have remitted the fee,

the fee shall be refunded.

Date 23rd November 2005

Falconer of Thoroton, C
Lord Chancellor
Department for Constitutional Affairs

Date 2nd December 2005

Gillian Merron
Tom Watson
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that fees payable under the Non-Contentious Probate Fees Order 2004, which specifies fees for non-contentious probate matters in the principal registry and district registries, are to be remitted where the death occurred as a result of the actions of another person's detonation of a bomb in London on 7th July 2005, or as a result of action in a police operation following another person's attempted detonation of a bomb on 21st July 2005. Provision is also made for the refunds of fees paid between that date and the coming into force of this Order where the fee would have been remitted had this Order been in force at the time.