
STATUTORY INSTRUMENTS

2008 No. 611

The Public Trustee (Fees) Order 2008

PART 2

General

Payment of fees from capital or income

- 3.**—(1) Subject to paragraph (2), all fees must be paid out of capital.
- (2) The following fees must be paid out of income—
- (a) fees which the public trustee has directed to be paid out of income under section 1(3) of the Public Trustee (Fees) Act 1957;
 - (b) the administration fee in cases to which article 18 applies;
 - (c) the insurance fee provided for by article 21;
 - (d) the income collection fee provided for by article 24;
 - (e) the management fee provided for by article 30; and
 - (f) the value added tax fee provided for by article 31, in cases where the fee in respect of which the value added tax fee is payable is itself payable out of income.

Calculation

- 4.** In ascertaining the amount payable in respect of any fee the public trustee—
- (a) will take the value of any estate or trust property to be the price which it is estimated that the estate or property would fetch in the open market; and
 - (b) may treat the value of any estate or trust property as being that multiple of £100 which is nearest to the estimate of its exact value.

Postponement of payment of fee

- 5.** The public trustee may postpone any payment due in respect of any fee.

Commutation

6. Liability to pay all or any part of any sums which may become due in respect of any fee may be commuted by the public trustee in consideration of a payment which represents the capital value of that liability.

Power to remit fees and settle disputes

7.—(1) The public trustee may remit so much as appears equitable of any fee payable in respect of any estate or trust where the whole or any part of the property is in another estate or trust in which the public trustee is acting.

Status: This is the original version (as it was originally made).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

(2) The public trustee may remit the whole or part of any fee where it is equitable to do so having regard to—

- (a) the nature and character of the estate, trust or other matter;
- (b) the work in respect of which the fee is charged; or
- (c) the impact of the fee on a beneficiary or beneficiaries.