

---

STATUTORY INSTRUMENTS

---

**2008 No. 611**

**The Public Trustee (Fees) Order 2008**

**PART 3**

**Executorship fee**

**When executorship fee payable**

**8.** An executorship fee is payable, in accordance with articles 9 to 11, on acceptance by the public trustee of any executorship.

**Property subsequently received**

**9.** If additional property becomes part of an estate of which the public trustee is executor an executorship fee is payable in respect of the gross capital value of the additional property on its acceptance valuation date of such amount as would have been payable if the additional property had formed part of the estate at the date of acceptance of the executorship and this Order had been in force at that date.

**Postponement of payment of executorship fee**

**10.** Where an executorship fee becomes payable under article 8 or 9 in respect of an estate any part of which is not in possession or not readily realisable, the public trustee will exclude the value of that part from the value of the remainder of the estate for the purpose of ascertaining the amount of the executorship fee then payable.

**Amount of executorship fee**

**11.—(1)** Subject to paragraphs (3) and (4), the executorship fee is calculated in accordance with paragraph (2) as a percentage of the gross capital value of the estate on the date of acceptance or on such convenient date as the public trustee may select.

(2) The rate of executorship fee is—

- (a) in respect of the first £50,000, 12.5 per cent;
- (b) in respect of any excess over £50,000 up to £75,000, 10 per cent;
- (c) in respect of any excess over £75,000 up to £100,000, 5 per cent;
- (d) in respect of any excess over £100,000, 3.8 per cent

but so that the fee payable is not less than £1,250.

(3) Where the main asset of an estate to be vested in one or more beneficiaries is an unencumbered property which was the principal private residence of the deceased and the public trustee's executorship duties have been exceptionally simple, a reduction may be made in the amount of the fee payable.

---

**Status:** This is the original version (as it was originally made).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

---

(4) Where the public trustee is acting as personal representative of a deceased statutory owner or tenant for life and is not acting otherwise in the trust a fee of £150 only will be payable.

(5) In this article, “statutory owner” and “tenant for life” have the meanings given by section 117(1) of the Settled Land Act 1925<sup>(1)</sup>.

---

<sup>(1)</sup> 1925 c. 18.