

1976 No. 205

SUPREME COURT, NORTHERN IRELAND**FEEES AND PERCENTAGES****Supreme Court (Non-Contentious Probate) Fees Order
(Northern Ireland) 1976**

I, the Right Honourable Sir Robert Lynd Erskine Lowry, Lord Chief Justice of Northern Ireland, with the concurrence of the Treasury, and in exercise of the powers conferred by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(a), the Government of Ireland Act 1920(b), the Supreme Court of Judicature (Northern Ireland) Order 1921(c), sections 2 and 3 of the Public Offices Fees Act 1879(d) and all other powers and authorities enabling me in this behalf, do hereby order and direct as follows :—

1.—(1) This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1976, and shall come into operation on the 1st day of September 1976.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) The Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1972(f) is hereby revoked save as to any fee due or payable before the commencement of this Order.

2.—(1) In this Order—

“grant” means a grant of probate or letters of administration;

“post-war credit” means an amount of tax to which there is a claim under section 7 of the Finance Act 1941(g), whether the amount has been ascertained and recorded or not.

(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 Principal Probate Registry and District Probate Registry 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 Principal Probate Registry the fees prescribed in this Order shall be taken by impressed stamps and in the District Probate Registry the fees shall be taken in cash.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66.

(b) 10 & 11 Geo. 5. c. 67.

(c) S.R. & O. 1921 No. 1802 (p. 1332).

(d) 42 & 43 Vict. c. 58.

(e) 52 & 53 Vict. c. 63.

(f) S.R. & O. (N.I.) 1972 No. 2 (p. 14).

(g) 4 & 5 Geo. 6. c. 30.

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

- (a) a post-war credit;
- (b) 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;
- (c) a death gratuity payable under section 2(2) of the Administration of Justice (Pensions) Act 1950(h).

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 those 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, a registrar 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.

Dated the 7th July 1976.

(Signed) *Robert Lowry*
Lord Chief Justice.

We concur in this Order:

(Signed) *Donald R. Coleman*
David Stoddart
Lords Commissioners of Her Majesty's
Treasury.

SCHEDULE

Column 1	Column 2
<i>Item</i>	<i>Fee</i> £
<i>Application for grants</i>	
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	
£	No fee
1,000	5.00
3,000	10.00
5,000	20.00
10,000	30.00
15,000	40.00
20,000	50.00
25,000	60.00
30,000	70.00
35,000	80.00
40,000	90.00
45,000	100.00
50,000	110.00
55,000	120.00
60,000	130.00
65,000	140.00
70,000	150.00
75,000	160.00
80,000	170.00
85,000	180.00
90,000	190.00
95,000	200.00
100,000	
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

SCHEDULE

Column 1	Column 2	
<i>Item</i>	<i>Fee</i> £	
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	
<i>Alterations in grants, etc.</i>		
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	
<i>Caveats</i>		
5. For the entry of a caveat or for a warning to a caveat	2.00	
<i>Deposits of wills</i>		
6. On depositing a will for safe custody in the principal or the district registry	1.00	
<i>Searches</i>		
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	
<i>Inspection</i>		
8. On inspection of an original will or any other document, including a copy of a will	0.25	
<i>Copies of documents</i>		
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— And for each page after the first a further additional fee of	0.50 0.25	
(a) 1952 c. 33.	(c) 1892 c. 6.	(e) 1969 c. 38 (N.I.)
(b) 1975 c. 7.	(d) 1960 c. 15 (N.I.)	

SCHEDULE

Column 1	Column 2
<i>Item</i>	<i>Fee</i> £
11. For a sealed and certified copy of any document— And for each page after the first, a further and additional fee of	1.00 0.25
12. For an exemplification or a copy signed by a registrar 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 (b) to any other address	0.10 the nearest multiple of 10p. above postage.
<i>Oaths and guarantees</i>	
14. Sworn in a personal application for a grant— (a) for administering an oath, for each deponent to each affidavit (b) for marking each exhibit (c) for superintending and attesting execution of a guarantee for each surety	1.00 0.40 1.00
<i>Production of documents, etc.</i>	
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 for each additional document (b) where an officer is required to produce the records or documents in court and in addition, (i) for every day or part thereof that he is necessarily absent from his office (ii) his reasonable expenses of attendance :	1.00 0.25 2.00 5.00
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 ex- penses which may probably become payable beyond the amount paid for fees and expenses on the application, re- ceipt 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.	
<i>Settling documents</i>	
16. For perusing and settling citations, advertisements, oaths, affidavits or other documents, for each document settled.	2.00

SCHEDULE

Column 1	Column 2
<i>Item</i>	<i>Fee £</i>
<i>Charitable bequests</i>	
17. For notification by the principal registry to a charitable institution of a bequest in its favour, and forwarding extract	1.00
18. For a summons or a motion and an Order made thereon —	the same fees as are payable in an action.
19. For a registrar's order other than on summons (inclusive of filing any document in support of application)	1.00
<i>Correspondence in the District Registry</i>	
20. For receiving an application for a grant through the post in the district registry 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.)

This Order replaces the Supreme Court (Non-Contentious Probate) Fees Order 1972. It increases certain fees payable on, or relating to, applications for grants of probate and letters of Administration; and, by dispensing with, or combining, most minor fees and abolishing obsolete items, it simplifies the fees structure.