
STATUTORY INSTRUMENTS

2008 No. 2854 (L. 20)

SUPREME COURT OF ENGLAND AND WALES

The Non-Contentious Probate Fees (Amendment) Order 2008

Made - - - - *4th November 2008*

Laid before Parliament *5th November 2008*

Coming into force - - *26th November 2008*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by section 92 of the Courts Act 2003⁽¹⁾.

In accordance with section 92(5) and (6) of the Courts Act 2003 the Lord Chancellor 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 and commencement

1. This Order may be cited as the Non-Contentious Probate Fees (Amendment) Order 2008 and shall come into force on 26th November 2008.

Amendment of the Non-Contentious Probate Fees Order 2004

2. The Non-Contentious Probate Fees Order 2004⁽²⁾ is amended as follows.
3. In Schedule 1, in fee 10, in column 2, for “2004” substitute “2008”.
4. In sub-paragraph (a) of Schedule 1A, in the definition of “party”, for “the party” substitute “the individual”.
5. In sub-paragraph 3(3) of Schedule 1A —
 - (1) in paragraph (a), for “£279” substitute “£296”;
 - (2) in paragraph (b), for “£198” substitute “£228”; and
 - (3) in paragraph (c), for “£142” substitute “£150”.

⁽¹⁾ [2003 c. 39](#). Section 92 is amended by paragraphs 308 and 345 of Schedule 4 to the Constitutional Reform Act ([2005 c. 4](#)) and by paragraphs 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.

⁽²⁾ [S.I. 2004/3120](#), as amended by [S.I. 2007/2174](#).

Status: This is the original version (as it was originally made).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

Signed by authority of the Lord Chancellor

4th November 2008

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

We consent,

4th November 2008

Tony Cunningham
Steve McCabe
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Non-Contentious Probate Fees Order 2004 as follows:

- (a) in fee 10, the reference to the Civil Proceedings Fees Order 2004 is updated to refer to the Civil Proceedings Fees Order 2008;
- (b) amends the definition of “party” in Schedule 1A, so that it refers to “individual” rather than “party”, in order that fee remissions do not apply to companies, partnerships or charities; and
- (c) the fixed deductions in sub-paragraph 3(3) of Schedule 1A are updated so that they are consistent with the fixed allowances other court fee orders.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.