1972. No. 2 [NC]

SUPREME COURT, NORTHERN IRELAND

FEES AND PERCENTAGES

Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1972

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 General Adaptation of Enactments (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) 1972, and shall come into operation on the 3rd day of January 1972.

(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) 1971(**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.

(**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. 1804.
(**d**) 42 & 43 Vict. c. 58.
(**e**) 52 & 53 Vict. c. 63.
(**f**) S.R. & O. (N.I.) 1971, No. 29.
(**g**) 4 & 5 Geo. 6. c. 30.

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.

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 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 or the Parliament of Northern Ireland:

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 1st day of January 1972.

Robert Lowry,
Lord Chief Justice.

We concur in this Order:

Tim Fortescue,
Walter Clegg,
Lords Commissioners of Her Majesty's Treasury.

(h) 14 & 15 Geo. 6. c. 11.

SCHEDULE

Column 1	*Column* 2
Item	Fee
Application for grants	£
1. On an 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 to be	
Not more than £	
500	No fee
3,000	3·00
5,000	5·00
10,000	10·00
15,000	15·00
20,000	20·00
25,000	25·00
30,000	30·00
35,000	35·00
40,000	40·00
45,000	45·00
50,000	50·00
55,000	55·00
60,000	60·00
65,000	65·00
70,000	70·00
75,000	75·00
80,000	80·00
85,000	85·00
90,000	90·00
95,000	95·00
100,000	100·00
And for every additional £100,000 or any part thereof, a further and additional fee of	20·00
2. On an 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 to be:—	
Not more than £	
500	1·00
1,000	2·00
5,000	4·00
(*b*) If the value of the net real and personal estate passing under the grant is sworn to be more than £5,000, but not more than £20,000, for each £1,000 or fractional part of £1,000	1·00
(*c*) If the value of the net real and personal estate passing under the grant is sworn to be more than £20,000, for each £1,000 or fractional part of £1,000 above that value, a further and additional fee of	0·50