1971. No. 29 [NC]

SUPREME COURT, NORTHERN IRELAND

FEES AND PERCENTAGES

The Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1971

I, the Right Honourable John Clarke, Baron MacDermott, 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) 1971, and shall come into operation on the 15th day of February, 1971.

(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) 1963(f) is hereby revoked save as to any fee due or payable before the commencement of this Order.

2. In this Order "A folio" means a folio of 72 words; "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.

3. The fees and percentages set out in the second column of the Schedule to this Order shall be taken in the Principal and the District Probate Registries in respect of the items set out in the first column of that Schedule, subject to and in accordance with the directions contained in that Schedule. In the Principal Probate Registry the fees prescribed by this Order shall be taken by impressed judicature stamps and in the District Probate Registry the fees shall be taken in cash.

4. In determining the value of any estate for the purpose of this Order, there shall be excluded the value of any 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, and the value of any post-war credit.

5.—(1) Where it appears to the Lord Chief Justice that the payment of any fee specified in this Order would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may, with the concurrence of the Treasury, reduce or remit the fee in that particular case.

(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.) 1963, No. 135.
(g) 4 & 5 Geo. 6. c. 30.

(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 of Northern Ireland.

(4) Where an application for a grant is withdrawn before the issue of the grant, a Registrar may reduce or remit a fee.

Dated the 23rd day of January 1971.

MacDermott,
Lord Chief Justice.

We concur in this Order:

H. S. P. Monro,
Walter Clegg,
Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

First Column	Second Column
Item	*Fee*
GRANTS AND RESEALING	£
1. On application for a grant of probate or letters of administration with or without the will annexed other than an application to which Fee No. 3 or 4 applies:—	
If the net real and personal estate in Northern Ireland passing under the grant is sworn in the Inland Revenue Affidavit to be—	
Under the value of—	
£	
1,000	1·00
2,000	2·00
3,000	3·00
4,000	4·00
5,000	5·00
6,000	6·00
7,000	7·00
8,000	8·00
9,000	9·00
10,000	10·00
11,000	11·00
12,000	12·00
13,000	13·00
14,000	14·00
15,000	15·00
16,000	16·00
17,000	17·00
18,000	18·00
19,000	19·00
20,000	20·00
30,000	25·00
40,000	30·00
50,000	35·00
80,000	40·00
120,000	50·00
200,000	60·00
For every additional £100,000 or any fractional part of £100,000 a further and additional fee of	10·00
2. On application for a grant of probate or letters of administration by a personal applicant, or for resealing such a grant if the application is prepared in the principal or the district registry, save where Fee No. 3, 4(*a*) or 5 is payable, in addition to any other fee:—	
If the net real and personal estate in Northern Ireland is stated to be of the value of—	
(*a*) £500 or over and under the value of	
£1,000	1·50
£2,000	2·50
(*b*) £2,000 or over	The same fee as would be payable for a grant under Fee No. 1.