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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 175**

**COURT OF JUDICATURE**

**The Court of Judicature (Non-Contentious Probate)  
Fees (Amendment) Order (Northern Ireland) 2019**

*Made - - - - 9th September 2019*

*Coming into operation 1st October 2019*

The Department of Justice, in exercise of the powers conferred by section 116(1) and (1A) of the Judicature (Northern Ireland) Act 1978<sup>(1)</sup> and now vested in it<sup>(2)</sup>, makes the following Order with the concurrence of the Department of Finance<sup>(3)</sup>.

The Department has, in accordance with section 116(1) of that Act, consulted with the Lord Chief Justice.

**Citation and commencement**

1. This Order may be cited as the Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2019 and shall come into operation on 1st October 2019.

**Amendments to the Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2019**

2. The Court of Judicature (Non-Contentious Probate) Order (Northern Ireland) 1996<sup>(4)</sup> is amended as follows.

3. In Article 4(6) (Fees to be taken in Non-Contentious Probate matters in the Supreme Court) at the beginning insert "Subject to Article 11,".

4. In Article 9 (Exemptions and Refunds) at the beginning of paragraph (1) insert "Subject to Article 11,".

5. After Article 10 insert—

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(1) 1978 c. 23 as amended by s.59 of the Justice Act (Northern Ireland) 2016 (2016 c. 21 (N.I.)).  
(2) Article 15(1) and paragraph 6(h) of Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).  
(3) Article 15(4)(b) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976). Formerly the Department of Finance and Personnel, see the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)), Section 1(4) and Schedule 1.  
(4) S.R. 1996 No. 104 to which relevant amendments are made by S.R. 2007 No. 377 and S.R. 2017 No. 11.

**“Exceptions to Remissions and Exemptions**

**11.** No reduction or remission under Article 4(6) or exemption under Article 9 is available in respect of the fees prescribed by this Order for—

- (a) copy (including a photographic copy) documents;
- (b) searches and inspections.”.

**6.** For Schedule 1 substitute the new Schedule 1 set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 9th September 2019

A circular official seal containing the letters "L.S." in a bold, sans-serif font.A circular official seal containing the letters "L.S." in a bold, sans-serif font.

*Peter May*  
A senior officer of the Department of Justice

The Department of Finance concurs in the making of this Order.  
Sealed with the Official Seal of the Department of Finance on 9th September 2019

A circular official seal containing the letters "L.S." in a bold, sans-serif font.A circular official seal containing the letters "L.S." in a bold, sans-serif font.

*Emer Morelli*  
A senior officer of the Department of Finance

SCHEDULE

Article 6

“SCHEDULE 1

Article 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee</i>	<i>Document to be endorsed</i>

£

**Application for grant: general**

1. On an application for a grant (or for resealing a grant) other than an application to which Fee No. 3 applies— The requisition

- a) if the assessed value does not exceed £10,000 No fee
- b) if the assessed value exceeds £10,000 £261.00

**Personal application fee**

2. In addition to (1) on an application for a grant by a personal applicant where the value of the estate exceeds £10,000 £65.00 The requisition

**Special applications**

3. On an application for—

- a) a grant in respect of an estate exempt from inheritance tax by virtue of section 154 of the Inheritance Tax Act 1984 (exemption for members of the armed forces, etc.); £195.00
- b) a grant limited to trust property; £195.00
- c) a duplicate grant; £195.00
- d) 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 £195.00 The requisition

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee</i>	<i>Document to be endorsed</i>
	£	
<b>Alteration in grants, etc.</b>		
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, or preparing any memorandum under the Inheritance (Provisions for Family and Dependents) (Northern Ireland) Order 1979	£65.00	The requisition
<b>Caveats</b>		
5.a) For the entry of a caveat	£98.00	The filed copy
b) For an extension or warning to a caveat	£65.00	
<b>Deposit of wills</b>		
6. On depositing a will for safe custody in the Probate and Matrimonial Office or any branch office	£39.00	The requisition
<b>Searches</b>		
7.a) For a search for a grant on behalf of the party applying (whether in person or by letter)	£26.00	The requisition
b) Additional payment where the search is carried out by an officer of the court	£14.00	The requisition
<b>Inspection</b>		
8. On inspection of office records, an original will or any other document, including a copy of a will	£39.00	The requisition
<b>Copies of documents</b>		

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<i>Item</i>	<i>Fee</i>	<i>Document to be endorsed</i>
	£	
9. On a copy, including a photographic copy, of all or any part of any document not otherwise provided for		
a) Five sheets or less	£6.00	
b) For each sheet thereafter	£0.50	
c) For an exemplification of a copy signed by the master and countersigned by the Lord Chief Justice, including the fees for preparing the necessary documents	£98.00	The requisition
10. On an audio recording produced on compact disc in respect of any court proceedings—		
For each hour or part thereof	£34.00	
<b>Oaths and guarantees</b>		
11. Save in a personal application for a grant—		
a) for administering an oath, for each deponent to each affidavit	£39.00	The requisition
b) for superintending an attesting execution of a guarantee for each surety	£65.00	
<b>Production of document, etc.</b>		
12. On an application for the production of records or documents to be given in evidence—		
On attendance of an officer to produce records (in addition to the officer's expenses), for each hour or part thereof	£18.00	
<b>Settling documents</b>		
13. For perusing and settling citations, for each document settled	£151.00	The requisition

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<i>Item</i>	<i>Fee</i>	<i>Document to be endorsed</i>
	£	

### **Applications to the master**

14. On any application to the master not otherwise provided for	£151.00	The requisition
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### **Miscellaneous**

15. On sealing a writ of subpoena per person	£39.00	The requisition”
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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Court of Judicature (Non-Contentious Probate) Fees Order (Northern Ireland) 1996 ([S.R. 1996 No. 104](#)) to increase the fees to be taken in non-contentious probate proceedings and to provide that remissions and exemptions are not available in respect of fees for copy documents, searches and inspections.

The Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1996 has been renamed the Court of Judicature (Non-Contentious Probate) Fees Order (Northern Ireland) 1996 as a consequence of the renaming of the Supreme Court of Judicature of Northern Ireland by virtue of section 59 and paragraph 6 of Schedule 11 to the Constitutional Reform Act 2005.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from the Northern Ireland Courts and Tribunals Service, Laganside House, 23-27 Oxford Street, Belfast BT1 3LA or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>.