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STATUTORY INSTRUMENTS

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**2011 No. 588 (L. 4)**

**SENIOR COURTS OF ENGLAND AND WALES**

**The Non-Contentious Probate Fees (Amendment) Order 2011**

*Made* - - - - - *28th February 2011*

*Laid before Parliament* *2nd March 2011*

*Coming into force* - - *4th April 2011*

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

In accordance with sections 92(5) and (6) of that Act 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 2011 and shall come into force on 4th April 2011.

**Amendment of the Non-Contentious Probate Fees Order 2004**

2. The Non-Contentious Probate Fees Order 2004<sup>(2)</sup> is amended as follows.

3. For Schedule 1 (which specifies the fees for non-contentious probate matters), substitute Schedule 1 (Fees to be taken) set out in the Schedule to this Order.

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(1) [2003 c.39](#). Section 92 was amended by section 59 and paragraphs 308 and 345 of Schedule 4 Part I to the Constitutional Reform Act 2005 (c.4).  
(2) [S.I. 2004/3120](#) as amended by section 50(1) of the Commissioners for Revenue and Customs Act 2005 (c.11), [S.I. 2007/2174](#), [S.I. 2008/2854](#) and [S.I. 2009/1497](#).

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Signed by authority of the Lord Chancellor

22nd February 2011

*J Djanogly*  
Parliamentary Under Secretary of State  
Ministry of Justice

We consent,

28th February 2011

*Michael Fabricant*  
*Brooks Newmark*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## SCHEDULE

Article 3

## “SCHEDULE 1

## Fees to be taken

<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
<p><b>1 Application for a grant</b></p> <p>On an application for a grant (or for resealing a grant) other than on an application to which fee 3 applies, where the assessed value of the estate exceeds £5,000.</p>	£45
<p><b>2 Personal application fee</b></p> <p>Where the application under fee 1 is made by a personal applicant (not being an application to which fee 3 applies) fee 2 is payable in addition to fee 1 where the assessed value of the estate exceeds £5,000.</p>	£60
<p><b>3 Special applications</b></p> <p>3.1 For a duplicate or 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 settled land, to trust property, or to part of the estate.</p>	£20
<p>3.2 On an application for a grant relating to a death occurring on or after 20th March 2003 in respect of an estate exempt from inheritance tax by virtue of section 154 of the Inheritance Tax Act 1984(3) (exemption for members of the armed forces etc).</p>	£10
<p><b>4 Caveats</b></p> <p>For the entry or the extension of a caveat.</p>	£20
<p><b>5 Search</b></p> <p>On an application for a standing search to be carried out in an estate, for each period of six months including the issue of a copy grant and will, if any (irrespective of the number of pages).</p>	£6
<p><b>6 Deposit of wills</b></p> <p>On depositing a will for safe custody in the principal registry or a district registry.</p>	£20
<p><b>7 Inspection</b></p> <p>On inspection of any will or other document retained by the registry (in the presence of an officer of the registry).</p>	£20
<p><b>8 Copy documents</b></p>	

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On a request for a copy of any document whether or not provided as a certified copy:	
(a) for the first copy;	£6
(b) for every subsequent copy of the same document if supplied at the same time;	£1
(c) where copies of any document are made available on a computer disk or in other electronic form, for each such copy;	£4
(d) where a search of the index is required, in addition to fee 8(a), (b) or (c) as appropriate, for each period of 4 years searched after the first 4 years.	£4
<b>9 Oaths</b>	
Except on a personal application for a grant, for administering an oath:	
9.1 for each deponent to each affidavit;	£6
9.2 for marking each exhibit.	£2
<b>10 Determination of costs</b>	
For determining costs.	The same fees as are payable from time to time for determining costs under the Civil Proceedings Fees Order 2008, (the relevant fees are set out in fee 5 in Schedule 1 to that Order)
<b>11 Settling documents</b>	£12 <sup>3</sup>
For perusing and settling citations, advertisements, oaths, affidavits, or other documents, for each document settled.	

## EXPLANATORY NOTE

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

This Order provides for the increase of certain fees payable in non-contentious probate matters in the principal registry and district registries. For convenience this Order replaces the entire schedule of fees payable in non-contentious probate matters in the principal registry and district registries. Where a fee has been increased it has been increased by the cumulative rate of Consumer Price Index inflation since that fee was last increased.

(3) 1984 c.51.

The original fees and the rates of inflation since the last fee increase are detailed in the Explanatory Memorandum which is published on the website of the Office of Public Sector Information along with a full impact assessment which was prepared for this Order.