



Craig Whittaker MP

CALDER VALLEY

www.craigwhittakermp.co.uk

Response to Probate fees – March 2017

Thank you for contacting me about changes to probate fees.

The Government is committed to providing a modern, world-leading justice system which is proportionate and accessible. Fees are necessary to support an effective courts and tribunals system that supports victims and vulnerable people, and is easy for ordinary people to use. In 2015/16, the Government spent around £1.9 billion on our courts and tribunals and recovered only around £700 million through fees and other income.

Following engagement with relevant parties, and extensive consultation last year, the Government has decided to make reforms to probate fees. A key change will be the threshold under which no fee is payable increasing from £5,000 to £50,000. More than half of estates in England and Wales will pay no probate fees. The fees will be implemented on a banded structure, increasing in line with estate values, meaning higher fees are paid by those who can afford to do so. Over 90 per cent of estates will pay £1,000 or less for this service.

The cost of the fee is recoverable from the estate, and executors have a number of options to fund it - no fee should be unaffordable. We expect that in most cases, banks will release cash from the estate to pay for the fee. The Probate Service will also be able to provide access for executors to the assets of the estate for the purpose of paying the necessary fee, and other avenues of funding will also be available.

In the event that the executor shows that they have exhausted all reasonable means of funding the grant of probate application fee and would be caused undue hardship unless a fee remission is granted, provision will remain for exceptional fee remissions to be granted at the discretion of the Lord Chancellor.

Thank you again for taking the time to contact me.

Kind regards,

Craig Whittaker MP