



# Probate fees on the rise





# Introduction

**The fees for obtaining probate in England and Wales have increased.**

The fee charged to obtain probate in England and Wales has been increased from £273 to £300 (10%) and for confirmation in Scotland, which has a sliding scale by 2%. Northern Ireland revised its probate fees in November 2023.

Whether the higher fees will make any difference to the level of service is a moot point. In England, the current guidance from HM Courts and Tribunals Service (HMCTS) is that no queries should be made chasing a probate application until at least 16 weeks have passed from the date of submission. Data for the year to November 2023 showed that average times to issue probate varied from about eight weeks for digital applications with no queries to 30 weeks for paper applications which prompted queries.





Such lengthy service has prompted the House of Commons Justice Committee to launch an enquiry into HMCTS' handling of probate. Under the Committee's scrutiny are:

- Waiting times for probate almost doubled from April 2022 to April 2023;
- Reports of probate taking more than eleven months; and
- Practitioners advising clients that probate will take at least nine months.

Oral evidence was also taken from several charities, a sector which is suffering cashflow difficulties because of probate delays. For some smaller charities, legacies can represent more than half of their income.





While probate delays are frustrating, they are no excuse to dispense with having a will. Intestacy – dying without a valid will – does not avoid probate/confirmation and may further complicate and delay matters. Those complications start with the question of who can apply for probate, which is usually the closest next-of-kin – often the person most traumatised by the death. Then there are the rigid rules set by intestacy for the distribution of your estate to get to grips with. Those terms may fit with your wishes, but like many one-size-fits-all solutions, they are unlikely to be a perfect match.



If you do not have a will, or your will has not been reviewed for several years, do something about it before it is too late. If inheritance tax is another concern for you, make sure you talk to us about estate planning before your will is written or revised.

Tax treatment varies according to individual circumstances and is subject to change.

The Financial Conduct Authority does not regulate tax, trust or will writing advice.





# Wake Up Your Wealth

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