

Probate Fees

I am pleased that the Government is dropping proposals to raise probate fees, following representations from myself and many others.



Ministry
of Justice

Rt Hon Sir John Redwood MP
House of Commons
London
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The Right Honourable
Robert Buckland QC MP
Lord Chancellor & Secretary of
State for Justice

MoJ ref: MC 73644

28th October 2019

Dear John,

PROBATE FEES

Thank you for your letter of 22 October regarding probate fees.

You will be aware that my predecessors laid a Statutory Instrument (SI) before Parliament in November 2018 to amend probate fees from the current flat fee structure, of £155 for applications from professionals or £215 from non-professionals, to one which is based on the value of the deceased's estate. The fees, under this proposal, would be charged above the cost of providing the service, set under the enhanced fee-making powers approved by Parliament in the Anti-Social Behaviour, Crime and Policing Act 2014, with all additional income contributing to HM Courts and Tribunals Service.

I recognise the concerns raised about the Government proposals to introduce changes to probate fees. I have listened and responded to these concerns and have therefore decided to withdraw the previous proposals. However, as Lord Chancellor, I have a statutory duty to ensure an efficient and effective courts and tribunal system and to provide this it needs to be properly funded. While it was widely felt that the proposed level of fees was too high, I maintain that it is right that those who use the service should contribute to its costs, where they can afford to do so without impeding access to justice.

After assessing the options available and listening to the views of our stakeholders, I made an announcement on Saturday 12 October of my plans to withdraw the SI and to take a closer look at court fees, including probate, as part of a wider review. The outcome of the review will be announced in due course.

Yours ever,
Robert

RT HON ROBERT BUCKLAND QC MP

P.S. Thank you for raising this directly with me.

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