

CORRECTION SLIP

Court Fees

Consultation on proposals to reform fees for grants of probate

Session: 2015/2016

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Correction made to page 10, paragraph 26.

Error: "Under this scheme, the fee for general grant was £250 for an estate worth £100,000 (i.e. 2.5% of net value), increasing by £50 per £100,000 (or part thereof) for estates worth £100,000 and above."

Correction: "Under this scheme, the fee for general grant was £250 for an estate worth £100,000 (i.e. 0.25% of net value), increasing by £50 per £100,000 (or part thereof) for estates worth £100,000 and above."

March 2016



Ministry
of Justice

Court Fees

Consultation on proposals to reform fees
for grants of probate

February 2016



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Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

February 2016



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Ministerial Foreword

Access to justice is a vital part of an effective and functioning democracy, helping to maintain social order and a growing economy. Her Majesty's Courts & Tribunals Service ('HMCTS') underpins access to justice and the rule of law in England and Wales.

On 23 June last year, the Lord Chancellor and Secretary of State for Justice set out his vision for One Nation Justice, with a justice and court system built around the needs of the most vulnerable, putting the public first and working to make justice accessible to all. Using £700 million investment allocated in the Spending Review, we will transform the justice and court system in line with that vision, helping people reach the best resolution for them; reducing complexity in language, processes and systems; minimising the steps that people need to go through to obtain justice; and improving access to justice. We want to invest in better facilities, use technology to reduce paperwork, and create a service that will better meet the needs of those who use our services. This is a bold and radical plan for justice and court reform that will deliver a system that is fit for the modern age.

As part of this future court system, we want to see a simpler, more streamlined process for probate users which will enable most applications to be completed online. This will make the Probate Service much easier to navigate, reducing worry for executors at what is often a very difficult and distressing time for them and for all the deceased's friends and family.

In order both to meet the Ministry of Justice's Spending Review settlement and to secure the £700 million investment described above, we must reduce the burden of HMCTS on the taxpayer. The courts and tribunals administered by HMCTS cost £1.8 billion in 2014/15, but only £700 million was received in income. This leaves a net cost to the taxpayer of around £1.1bn in one year alone. All parts of the Ministry of Justice must contribute to the national effort to reduce the deficit and restore the government's finances to surplus – and that means we must take further steps to bring down that cost.

Alongside using the investment for a better courts system, the Ministry of Justice needs to play its part in reducing the deficit, and putting HMCTS's funding on a long-term sustainable footing. We are therefore proposing changes to probate fees which would both increase income to make our courts and tribunals more sustainable and make the probate system fairer. The particular proposals in this consultation set out a new and progressive regime of fees for applications for the grant of probate. Our proposals would lift 30,000 estates out of paying the probate fee altogether, so that the proportion of estates paying no fee at all would rise to 57%. For higher value estates, the fee would increase in stages as the value of the estate increases. The fee would never exceed 1% of the value of the estate and in many cases it would be considerably less. Overall, these changes would raise an

additional £250 million a year – a critical contribution to reducing the costs of HMCTS on the taxpayer and cutting the deficit.

These proposals mean we can still afford to preserve access to justice for all and maintain an efficient, effective and properly funded courts and tribunals' service as part of our world leading justice system.

Shailesh Vara

Parliamentary Under-Secretary of State, Ministry of Justice

Introduction

1. The case for revisiting the way we charge court and tribunal fees is based firmly on the need to ensure that Her Majesty's Courts & Tribunals Service ('HMCTS') is funded properly to protect the vital principle of access to justice. The courts and tribunals fulfil a vital function in this country, providing access to justice for those who need it, and underpinning the rule of law. A fully functioning and funded justice system not only provides everyone with the ability to seek redress for their problems in an efficient and effective forum, but also underpins our growing economy.
2. Despite the significant economic progress that has been made over almost six years, the wider financial climate in which the government is operating remains challenging. The government was elected to continue its work to fix the economy, by reducing public spending to eliminate the deficit. The courts, and those who use them, must make their contribution.
3. The courts and tribunals administered by HMCTS cost £1.8 billion in 2014/15, but we only received £700 million in income. This leaves a net cost to the taxpayer of around £1.1bn in one year alone. In addition to the investment to improve the courts system, the Ministry of Justice needs to play its part in reducing the deficit, and putting HMCTS's funding on a long-term sustainable footing. This consultation paper sets out proposals for charging enhanced fees for applications for a grant of probate, at the same time as lifting around 30,000 of the lowest value estates out of the requirement to pay a fee at all. Every pound collected in court fees must be used to fund an efficient and effective system of courts and tribunals.

Justice and Court Reforms announced in the Autumn Statement

4. The current court and tribunal system is increasingly unfit for the needs of its users in the 21st century. People, businesses and organisations have transformed the way we work but the infrastructure supporting the administration of the courts and tribunals is in desperate need of reform. The systems are too slow, and the archaic processes impede swift access to justice for users across all jurisdictions. This is particularly true of the Probate Service, which continues to rely on manual paper based systems, and ageing IT, to deliver its services to the public. We are therefore planning to redesign the system so that it is focussed on making the experience of the bereaved as simple and hassle-free as possible. We will invest in new technology that will speed up the Probate Service and integrate our new online system with Her Majesty's Revenue and Customs' systems. The design stage for the new Probate Service will start in April 2016 and should be completed by April 2017.

5. Nevertheless, despite the best efforts of court service staff and the judiciary, there is a high degree of consensus across the justice system that the current system is unsustainable; it must work better to deliver swifter, fairer and more efficient access to justice for everyone.
6. We now have the opportunity to transform the service we provide. In the Autumn Statement last year, this government committed over £700 million of funding to invest in our courts and tribunals. HMCTS is working closely with the senior judiciary to develop a plan for investing this so our courts and tribunals can deliver swifter, fairer justice for everyone in England and Wales. It will include building a court and tribunal system around the needs of those who use it – citizens, business users, victims, witnesses and state users. The estate will be modernised and reconfigured, and we ensure that the courts and tribunals we have are better used. It will also include digitising the court: installing Wi-Fi so that legal professionals can work remotely from court; replacing paper forms with simple questions online; automating much of the administrative process; and reducing unnecessary pre-trial hearings.
7. We need to respect the traditions of our system, yet court or tribunal attendance is a time consuming and often inefficient process for everyone involved. A more proportionate approach will eliminate wasted time and enhance confidence in the administration of justice. We have a duty to offer more convenient, less intimidating ways for citizens to interact with the justice system whilst maintaining the authority of the court for serious cases.
8. We are working closely with our delivery partners and stakeholders across the justice system to ensure that, wherever possible, we use our collective resources and knowledge to deliver an improved justice system. This will be a five year programme of delivery, with reforms being implemented from 2016 to 2020.

Chapter 1 – Proposals for grant of probate application fees

Background

9. In England and Wales¹, the probate system deals with around £81 billion of assets each year through transferring ownership of, and in many cases liquidating, assets. Obtaining a grant of probate is the process by which a personal representative demonstrates his or her authority to deal with the property, money and other possessions (an 'estate') of the deceased after their death. An application is made to the probate registry (Family Division). The application is usually made by the executor of the deceased's will or a person acting on their behalf, often at around the same time as the payment of inheritance tax falls due. Dealing with someone's estate can be a process that is spread out over a long period of time, but the application to obtain the grant of probate² usually takes only a matter of weeks to be processed by the Probate Service.
10. Not all estates need to go through probate. In fact, in England and Wales, only around 50% of deaths lead to an application for a grant of probate. This might be because the value of the assets of the deceased is very low (i.e. below the threshold for probate), or the nature of them means that they can be released straight away: for example, a bank might be willing to release money in a bank account without a grant of probate. It is, however, not always the case that the low value of a deceased person's assets means that their estate does not require a grant of probate.
11. A grant of probate is also not required for any assets that are owned by the deceased with other persons as 'beneficial joint tenants'. This form of ownership, for example between a husband and wife over the marital home, means that the property would pass automatically to the remaining spouse without the need for probate to be obtained. Property owned in this way does not form part of a person's legal estate and probate is not required to transfer any interest in it. Some people will have a mix of assets, meaning that some fall within their estate and require a grant of probate before they can be released, while others will not.
12. In some cases there might be a dispute about the will or process for administering the estate; this may only come to light after the initial application for a grant of probate has been made. For the purposes of this consultation, we are concerned only with the fee that is paid for applications for a grant of probate as set out in the *Non-Contentious Probate Fees Order 2004* (as amended in 2014).

¹ Scotland and Northern Ireland have separate processes.

² This would include letters of administration.

Who can apply for a grant of probate?

13. The person entitled to a grant of probate is the person appointed as executor in the will. If the will does not appoint an executor or if there is no will, the law states who is entitled to apply³.
14. If an individual is named as an executor in someone's will and takes up the appointment, he/she can either administer the estate themselves, or may appoint a professional (usually a solicitor) to advise them. The executor may be a beneficiary of the deceased's estate, but that may not always be the case. Sometimes the process of administering an estate - which can involve identifying assets, closing down accounts, applying for probate and distributing the assets - can be time consuming and complicated for executors, so it can be attractive to appoint a professional. In some cases, the deceased may have appointed a solicitor, accountant or bank in their will to act as executor.
15. There are an average of 270,000 applications for a grant of probate each year, around 38% of which are made by individuals, and around 62% by solicitors.

What does the executor have to pay?

16. The executor has responsibilities that may include making payments for probate fees, funeral expenses, and inheritance tax. Executors are reimbursed for all of their reasonable costs from the estate, meaning they are not left personally out of pocket. Whether or not the costs incurred are reasonable is decided as a matter of law.
17. In this respect, fees for grants of probate are different to other civil and family fees charged by HMCTS as the fee is guaranteed to be recovered from the estate. Executors should therefore not face difficulties with the overall affordability of the fees.

Accessing the bank accounts of the deceased

18. Executors may initially face a short term cash-flow problem with regards to paying the fee, however there are facilities available which would mitigate this. In particular, many banks and building societies will allow the executor to access funds in the accounts of the deceased for the purpose of paying funeral costs, inheritance tax, and probate fees. On average, around 25% of all estates are held in cash, which could be used to cover such fees.

A loan

19. If there are insufficient funds in the bank account(s) of the deceased to meet the reasonable costs associated with administration of the estate, the executor may apply to a bank for a loan (commonly known as a bridging

³ Non-Contentious Probate Rules 1987

loan) to finance the payment of the fee, using the assets in the estate as security. These are already used extensively in the context of meeting inheritance tax liabilities that are due before the grant of probate can be issued.

The current fee structure

20. At present, applications for grants of probate are set at £155 when a grant of probate is sought by a solicitor and £215 when the application is made by an individual. This higher fee for 'personal' applicants reflects some of the additional administrative work that must be done by the Probate Service when dealing with applications made by individuals. Estates that require probate but are worth less than £5,000 do not have to pay a fee.

The Probate Service and our plans for reform

21. Most people go through probate when they are at their most vulnerable, often shortly after a relative has passed away. We plan to make better use of technology to redesign the system so that it is focussed on making the experience of the bereaved as simple and hassle-free as possible.

22. We will invest in new technology that will speed up the process of justice and use digital services to streamline and improve the quality of service to executors. A new online service for applications for a grant of probate would remove the need to visit a court or a firm of solicitors to swear oaths or lodge papers, so the vast majority of applications for grant of probate will be capable of being completed entirely online. This would save executors precious time in what can be a drawn out process.

23. The new online service will be designed to meet the needs of executors, to make the process easier and smoother for them. Our online systems will be integrated with Her Majesty's Revenue and Customs' systems, making the process of applying for grant of probate online simpler and easier for our users to navigate after they have paid inheritance tax. It will also improve the way the Probate Service manages its workload and therefore the quality of customer service it provides.

24. The design stage of the new Probate Service will start in April 2016 and should be completed in April 2017. Work is already underway to get a clear understanding of what Probate Service users want and need as we develop the new service.

Previous fee schemes

25. Between 1981 and 1999, the probate fee scheme was linked to the net value of the estate⁴. Under the 1981 scheme two fees applied: a 'general' fee (broadly equivalent to the current fee paid by solicitors) and a 'personal application' fee which, when appropriate, was added to the general fee.

⁴ After outstanding debts had been paid, but gross of inheritance tax.

Both fees depended on the net value of the estate for which probate was sought, with higher fees for higher value estates.

26. Under this scheme, the fee for general grant was £250 for an estate worth £100,000 (i.e. 0.25% of net value), increasing by £50 per £100,000 (or part thereof) for estates worth £100,000 and above. This meant that the level of the fee increased with the value of the estate. There was no upper cap on the amount paid.
27. In 1999, this scheme was replaced by a flat fee scheme which over the years varied between £40 and £50 for an application made through a solicitor and between £90 and £130 for an application made by an individual (sometimes called a 'personal application'). In 2014, the fees were increased to £155 for an application made through a solicitor and £215 for a personal application. Income raised through probate fees has reached full cost recovery of the Probate Service – around £45 million per year (based on current estimates for 2015/16). In light however, of the current financial circumstances, the need to eliminate the deficit and to meet the commitments in our Spending Review settlement, we need to go further to reduce the overall demands of the courts and tribunals on the Exchequer.
28. The current flat fee scheme applies irrespective of the value of the estate above the current £5,000 threshold, meaning that smaller estates pay proportionately more than larger ones. Furthermore, if the 1981 fee scheme had remained in place, we estimate that the level of income that would have been generated from applications for a grant of probate would be some £120 million per year, around £75 million more than under today's fee scheme.
29. We therefore propose moving to a system similar to that which applied between 1981 and 1999: where the level of the probate fee is linked to the value of the estate, where the probate fee is applied in a more progressive way, and where money raised from the probate fee subsidises the rest of the court and tribunal system.

Proposed fee scheme

30. In the current financial climate it is necessary to ask that those users of HMCTS who can afford to do so to pay a greater contribution towards the operating costs of the courts. Our proposals in this consultation would generate around £250 million in additional income. The additional income raised would be applied solely to the running costs of HMCTS, allowing us to reduce the Ministry of Justice's overall demands on the Treasury.
31. In the interests of fairness we are proposing to return to a fee structure where the fee relates to the value of the estate. Furthermore, under our proposals the fees would be simpler and more straightforward to calculate compared with the 1981-1999 scheme because they would be based on a simple band structure. The same fee would apply irrespective of whether the application is made by a solicitor or an individual.

32. We believe it is right to look at options where users, who can afford to, make a contribution to the running costs of HMCTS. That is why, in the last Parliament, we took a power, under section 180 of the Anti-social Behaviour Crime and Policing Act 2014⁵, to allow fees to be set at a level above the costs of proceedings for which they are charged.
33. Under these provisions, the income from enhanced fees must be used to finance an efficient and effective system of courts and tribunals. The Lord Chancellor is also required to have regard to a number of factors before prescribing enhanced fees, namely:
- that access to the courts must not be denied (under section 92(3) of the Court Act 2003);
 - the financial position of the courts and tribunals service, including the costs incurred that are not being met by fee income (under section 180(3)(a) of the Anti-Social Behaviour Crime and Policing 2014); and
 - the competitiveness of the legal services market (under section 180(3)(b) of the Anti-Social Behaviour Crime and Policing 2014).

Question 1: Do you agree that it would be fairer to charge a fee that is proportionate to the value of the estate compared with charging a fixed fee for all applications for a grant of probate? Please give reasons.

Probate Bands

34. Our proposed fee structure comprises seven bands, with the fee increasing in line with the value of the estate (after outstanding debts, but before inheritance tax liabilities have been applied). The bands on which we are seeking views have been identified to reflect a more progressive system so that higher value estates would pay more compared to lower value estates. The fee would never exceed 1% of the value of the estate and in many cases it would be considerably less.
35. The proposed fee structure is set out below in Table 1. Estates that are valued at £5,000 or less do not currently have to pay a fee for an application for a grant of probate. This threshold was set in 1999 and has not been increased since to reflect asset price growth over the intervening 17 years. We believe that the threshold should be increased to benefit the lowest value estates. We propose therefore to increase it to £50,000, lifting an additional 30,000 estates out of the requirement to pay a probate fee. This would represent a saving of £215 for lower value estates (based on a personal applicant fee). As a result, 57% of estates would pay no fee at all. A further 27% of estates would see their fee rise to £300, a modest increase of £85 on the current personal applicant fee of £215. 84% of estates would pay £300 or nothing; 94% of estates would pay £1000 or less.

⁵ http://www.legislation.gov.uk/ukpga/2014/12/pdfs/ukpga_20140012_en.pdf

36. We believe that this strikes the right balance between applying fees in a way that is fair and progressive overall, whilst generating additional income for HMCTS and reducing the burden on the general taxpayer.

Question 2: Do you agree with the proposal to increase the threshold above which the fee is payable from £5,000 to £50,000? Please give reasons.

Question 3: Do you agree with the government’s proposals to charge fees for probate applications as set out in Table 1? Please give reasons.

Table 1: Proposed fee structure

Value of estate (before inheritance tax)	Proportion of all estates in England and Wales	Proposed Fee
Up to £50,000 or exempt from requiring a grant of probate	57%	£0
Exceeds £50,000 but does not exceed £300,000	27%	£300
Exceeds £300,000 but does not exceed £500,000	10%	£1,000
Exceeds £500,000 but does not exceed £1m	5%	£4,000
Exceeds £1m but does not exceed £1.6m	1%	£8,000
Exceeds £1.6m but does not exceed £2m	0.2%	£12,000
Above £2m	0.4%	£20,000

Interplay with the government’s inheritance tax proposals

37. An estate is exempt from inheritance tax (‘IHT’) if the deceased leaves everything to their surviving husband, wife or civil partner. IHT is charged at 40% on the value of the estate in excess of the IHT threshold, currently set at £325,000 (or ‘nil rate band’). In the 2015 Summer Budget, the government announced that it will introduce an additional nil rate band of up to £175,000 when a residence is passed on death to direct descendants (children, step-children, and grandchildren). This will be phased in from April 2017⁶ and any unused proportion can be transferable to a spouse or civil partner. Together with the existing threshold of

⁶ The residence nil-rate band will be £100,000 in 2017-18, £125,000 in 2018-19, £150,000 in 2019-20 and £175,000 in 2020-21, and will then increase in line with CPI. It will be gradually withdrawn for estates valued at more than £2 million (at a rate of £1 for every £2 over the taper threshold).

£325,000, this means that many individuals will have an effective IHT threshold of £500,000 (or up to £1 million for many surviving spouses and civil partners) by 2020-21.

38. The gain to estates that are set to benefit significantly from the government's inheritance tax cut will outweigh the proposed increased probate fees. Estates which are not due to derive significant, or any, benefit from the government's inheritance tax cut, fall into the lower probate fee bands. Whereas inheritance tax captures 40% of the value of the estate above the nil-rate band, the probate fee would never be more than 1% of the value of the estate.
39. For instance, a single person's estate worth just over £500,000 could see its inheritance tax bill fall from £70,000 to zero⁷, while their probate fee would rise from £215 to £4,000. An estate of a surviving spouse worth just over £2 million could see its inheritance tax bill fall from £540,000 to £400,000⁸ while their probate fee would rise to £20,000.

Help with Fees

40. HMCTS operates a fee remission scheme for civil, family and tribunal proceedings, known as "Help with Fees", which ensures that those of limited financial means are not prevented from bringing proceedings in court because they cannot afford to pay the fee. For those who qualify for help under the scheme, the fee may be reduced or waived in full. The scheme applies to all jurisdictions for which HMCTS charges a fee (except for proceedings in the First-tier Tribunal Immigration and Asylum Chamber, where a separate fee waiver and exemptions policy applies).
41. Eligibility under the Help with Fees scheme is based on an assessment of the applicant's means. To qualify, an applicant must meet tests of both disposable capital and gross monthly income. For those who live with a partner, the assessment is based on household means, except where the parties have a contrary interest in proceedings. The scheme has more generous allowances for those who are 61 and over.
42. Further details of how the scheme operates are set out in HMCTS's guidance on Help with Fees.⁹
43. The Help with Fees scheme currently includes applications for a grant of probate. In contrast to most civil, family and tribunal proceedings, however, the executor is able to recover the fee from the estate, after the estate has

⁷ Assuming a home worth at least £175,000 is left to direct descendants once the residence nil-rate band is fully phased in.

⁸ Assuming a home worth at least £350,000 is inherited by direct descendants and none of threshold has been used on the first death.

⁹ See: <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex160a-eng-2015.10.pdf>

been released, which means that he or she should never be personally liable for the probate fee, or any other expenses incurred.

44. Furthermore, although a small proportion of estates would attract a significantly higher fee, we do not believe that this would cause the executor financial hardship because:
- Most banks and building societies operate policies under which the executor can use funds held in deceased's accounts to meet any reasonable costs incurred, including probate fees; and
 - HMRC's data indicates that on average around 25% of an estate is held in cash, and the proportion is higher for lower value estates, whereas under our proposals, the fees would represent less than 1% of the value of an estate.
45. In those cases where there are insufficient liquid assets to meet the probate fee, the executor should have little difficulty in securing short term financing to meet the cost of the fee, and at no personal cost to the executor.
46. For all these reasons, and in particular because the fee can always be recovered from the estate, we no longer believe that it is appropriate or necessary to continue to provide fee remissions for applications for a grant of probate. A remission represents, in effect, a subsidy at taxpayers' expense to the advantage of those who stand to benefit from the estate. In the current financial circumstances, with the need to make substantial reductions in public spending, we do not believe that this subsidy can be justified.
47. We therefore propose that the Help with Fees scheme should no longer apply to applications for a grant of probate.
48. The Lord Chancellor's power to grant a remission in exceptional circumstances would continue to be available in probate to those who can satisfy him that the requirement to pay the fee would cause them undue financial or other hardship. Someone who can satisfy the Lord Chancellor that paying the fee would cause him or her undue financial or other hardship, may have the fee reduced or remitted in full.

Question 4: Are there other ways that executors should be supported to make payment of the fee and/or examples of banks or funding institutions who regularly assist with finances before the grant of probate? Please provide details.

Question 5: Do you agree with the proposal to remove grant of probate fees from the fee remissions scheme? Please give reasons.

Chapter 2 – Equalities Duties

1. This chapter considers the Lord Chancellor's duties under the Equality Act 2010.
2. Alongside this document we have published an Equality Statement relating to the proposals set out in Chapter 1 of this document.
3. We do not consider that these proposals for fees for an application for a grant of probate would be directly discriminatory within the meaning of the Act as they would apply equally to all applicants and are not considered to result in people being treated less favourably because of a protected characteristic.
4. There is also no reason to believe that these proposals would have a disproportionate impact on any group with a protected characteristic compared to those not in that group.
5. However, were there shown to be a disproportionate impact on those with particular protected characteristics we consider this would be mitigated by:
 - The ability of the executor to recover the probate fee from the estate; and
 - the remissions scheme, as is proposed at Chapter 1. This is because under our proposals the Lord Chancellor would retain the power to remit a fee (whether in whole or in part) in exceptional circumstances to ensure that no one is denied access to the courts.
6. In any event it is our view that these proposals would be a proportionate means of achieving the legitimate aim of protecting access to justice by making sure that HMCTS continues to be properly funded in the long term.
7. During the consultation period we will consider these impacts further and will update our equalities considerations with any relevant research submitted to our equalities questions below.

Question 6: We would welcome views on our assessment of the impacts of the proposals set out in Chapter 1 on those with protected characteristics. We would in particular welcome any data or evidence which would help to support these views.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1: Do you agree that it would be fairer to charge a fee that is proportionate to the value of the estate compared with charging a fixed fee for all applications for a grant of probate applications? Please give reasons.

Question 2: Do you agree with the proposal to increase the threshold from £5,000 to £50,000? Please give reasons.

Question 3: Do you agree with the government's proposals to charge fees for probate applications as set out in Table 1? Please give reasons.

Question 4: Are there other ways that executors should be supported to make payment of the fee and/or examples of banks or funding institutions who regularly assist with finances before the grant of probate? Please provide details.

Question 5: Do you agree with the proposal to remove grant of probate fees from the fee remissions scheme? Please give reasons.

Question 6: We would welcome views on our assessment of the impacts of the proposals set out in Chapter 1 on those with protected characteristics. We would in particular welcome any data or evidence which would help to support these views.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

How to respond

Please send your response by 1 April 2016 to:

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Fax: (020) 3334 2233

Email: probatefeespolicy@justice.gsi.gov.uk

Please note that we will not be able to offer any extensions of time to this deadline for responses.

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Publication of response

A paper summarising the responses to this consultation will be published in due course. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic

confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

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