

Probate for excepted estates

Introduction

This information sheet is relevant to anyone dealing with the affairs of a person (the deceased) who died domiciled in England & Wales, and where no Inheritance Tax (IHT) is payable because the estate is a standard or exempt 'excepted estate', whether or not a transferable nil rate band is involved. For an explanation of these terms, please refer to our information sheet 'Excepted Estates'.

If the deceased was not domiciled in the United Kingdom, you should read our information sheets 'Probate for deceased persons domiciled outside the UK' and 'Probate resealing'. All our information sheets, including details of other fixed fee probate services, may be accessed via our website.

It will not usually be possible to administer the estate of the deceased until the personal representatives (executors or administrators) have obtained a Grant of Probate or Letters of Administration (the Grant) from a Registry of the High Court.

As a leading private client legal practice in the South East of England, we are able to offer an efficient grant only service to the personal representatives of excepted estates. Using our local District Probate Registry, we can complete applications for excepted estate grants in as little as 4 – 6 weeks working days from receipt of all requisite information and documentation and in most cases for a fixed fee.

What we need

The following documents are required:

- 1 the Probate questionnaire (grant only) fully completed
- 2 an official copy of the death certificate for the deceased
- 3 the deceased's original will and codicils (if any)
- 4 a passport copy and recent utility bill (confirming home address) for each of the deceased's executors or proposed administrators, in each case certified by a solicitor, accountant, doctor or bank official
- 5 a cheque in favour of 'HM Courts & Tribunals Service' for £160 to pay the probate registry fees including the cost of ten official copies of the grant.

Fees

Our normal charge for obtaining an excepted estate grant is £1,300 excluding VAT. An additional £250 plus VAT will apply where it is necessary to claim the unused IHT nil rate band of a predeceasing spouse or civil partner. This assumes that the personal representatives are able to provide full information in the Probate questionnaire (grant only), and that there is no requirement to undertake further investigation of the deceased's estate.

In some cases the replies given in the questionnaire may necessitate investigative work for which an additional charge is justified. In such cases, we shall notify the personal representatives as soon as possible and agree any additional costs before taking any further steps in the matter. Similarly, if there is a requirement for us to commission a professional valuation (for example in respect of shares) we shall obtain approval for the additional costs from the personal representatives before the relevant action is taken.

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In view of the above, while we expect the fixed fee to apply in the majority of cases, we recommend that the fully completed Probate questionnaire (grant only) is posted or emailed before the other items are sent, so that any element of additional expense can be identified at the outset.

Our invoice will be presented on receipt of the grant, and should be settled promptly from estate monies collected by the personal representatives, or from their own funds.

Disclaimer

This information sheet has been prepared for those seeking assistance with an application for a grant in an excepted estate. It is intended for general guidance only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at August 2018 and may be affected by subsequent changes in the law.

For more information about our fixed fee probate services, please contact Helen Stewart on 01892 510000 or by email at:

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