

Professional Probate Instructions Continue to Fall

Submitted by: MediaCom

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For the last few years, official figures released by the Probate Service have shown that applications made for a Grant of Representation (usually a Grant of Probate or Letters of Administration) by solicitors have fallen for the last three years (2008 to 2010). Professional applications fell by 4% in 2010 and by 9% and 10% respectively in 2009 and 2008. Numbers have declined by 30% in total since 2006.

The firm Title Research, which published the Probate Service statistics, suggests a number of reasons for this trend. It can partly be explained by a gradual rise over the years in applications from private individuals, who have decided to administer the deceased's estate themselves rather than using a solicitor, either through personal choice or for reasons of economy. However, private applications actually fell by 1% in 2010.

Other contributing factors could include a more relaxed attitude from banks and buildings societies towards the need for a Grant of Representation, and an increasing number of estates falling below the £5,000 threshold under which Probate is not required.

A Probate expert at The Co-operative Legal Services, comments: 'Without a doubt, there are a number of reasons for the decline in professional Probate applications. This certainly isn't solely due to an increase in "DIY Probate" over time. Having said that, with today's tough economic climate, it is likely that more people will try and handle Probate and administer estates themselves in the next few years.

'If any mistakes are made on the legal, tax and administrative responsibilities involved in Probate, this could prove extremely costly to put right. For example, undervaluing an estate could lead to you having to pay a large fine as well as the extra Inheritance Tax liability. I would recommend all executors of a Will – or next of kin in cases of intestacy (<https://www.co-operative.coop/legalservices/probate/Intestacy/>) – to seek legal advice before applying for the Grant of Representation, and consider appointing a professional to administer the estate on their behalf.'

The Co-operative Legal Services' Probate experts offer free advice and support on the Probate process, executor duties (<https://www.co-operative.coop/legalservices/probate/The-role-of-the-Executor/>) and related issues such as intestacy.

ENDS

Notes to editor

The Co-operative Legal Services provides a range of legal services that are designed to make it easier for people to access high quality legal provision. Our services include will-writing, Probate and estate administration, conveyancing, personal injury, family law and employment law. Free, no obligation legal advice is provided with all these services. We operate nationally and, in the last year, have given legal

assistance to more than 160,000 people. You can find out more at www.co-operative.coop/legalservices.
(<http://www.co-operative.coop/legalservices>)

Contact Information:

Dave Smith, Public Relations Manager Corporate

Tel: 0161 827 5614

Mob: 07702 152771

Email: dave.smith@co-operative.coop