



SCHEDULE OF AMENDMENTS TO PROBATE REGULATIONS AND PROBATE COMPENSATION SCHEME REGULATIONS

Probate Regulations – effective 23 February 2017

Regulation / guidance	Commentary on draft amendment
1.6	Definition of ‘appeal tribunal’ has been amended to remove reference to ICAEW’s Appeal Committee.
9.1	Amended to clarify that the Probate Committee is established under chapter 9 of the Probate Regulations.
10.10	Amended to accord with other legislation governing appeals to the First-tier Tribunal (FTT) and the tribunal’s rules.
10.11	Amended to accord with other legislation governing appeals to the FTT and the tribunal’s rules.
Guidance above 11.5	Amended to reflect the fact that appeals will be dealt with by the FTT going forward.
11.5	Amended to accord with the formulation set out in article 9(1) of statutory instrument 2014/2359 (concerning appeals to the FTT) and to remove reference to the 28 day time limit for notices of appeal. Regulation 11.5(c)(ii) has also been amended to clarify that appeals may be brought on the basis of new evidence that was not in existence at the time that the matter was initially determined by the Review Committee.
11.7	Amended to accord with the formulation set out in article 9(4) of statutory instrument 2014/2359 (concerning appeals to the FTT).
Guidance at the beginning of chapter 12	Amended to reflect the fact that appeals will be dealt with by the FTT going forward.
12.1	Amended in accordance with amendments made to ICAEW’s Disciplinary Byelaws in October 2016
12.3, deletion of 12.4 and consequential renumbering	Amended to mirror the changes in 11.5 above.
12.5	Amended to mirror the change to regulation 11.7 above

Amendments to the Probate Compensation Scheme Regulations – effective 23 February 2017

Regulation / guidance	Commentary on draft amendments
1.5	Definition of 'appeal tribunal' has been amended to remove reference to the Appeal Committee.
3.2	Amended to clarify that the Probate Committee will have the ability to make a partial grant if there are some funds in the scheme, but not enough to grant the application in full. Grants will be limited to the funds available in the scheme.
9.1 and 9.2	Regulation 9.1 has been amended and a new 9.2 created to clarify the intended purpose of regulation 9.1 (ie, the circumstances in which a grant may be refused or reduced). The two subsequent regulations have been renumbered accordingly.
18	Amended to refer appeals in compensation scheme cases to the FTT.