

Probate

Frequently asked questions

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Ownership: The Probate Team - Courts and Tribunals Development Directorate

1. Online application queries

Q1. I would like to use the online probate service for professional users. How do I do this?

A1. First, you will need a MyHMCTS account. You can register, free of charge, at <https://www.gov.uk/guidance/hmcts-online-services-for-legal-professionals>. We aim to complete this process in 3 working days. Once you have registered, you will be able to use a range of services, including probate.

Q2. I have a problem with my MyHMCTS account. How can I fix this?

A2. In the first instance, please speak to your firm’s ‘superuser’, who is the designated administrator for your firm’s MyHMCTS account. They will be able to check your personal registration status. If they cannot solve your problem then please email: MyHMCTSsupport@justice.gov.uk. We will respond within 10 working days.

Q3. Why can I not use the online service for all types of application? When will other types added?

- A3. The online service can be used for most types of applications including:
- A. Probate- all types of executors (soon to allow trust corporations too).
 - B. Intestacy- lawful spouse/ civil partner or a single child.
 - C. Admon will- residuary legatees and devisees in trust and residuary legatees and devisees.
 - D. Foreign domicile- the above journeys as long as the application is for immovable property (this is a specific question on the journey).

We are continuing to make changes and improvements to the service, which will soon allow more types of applications to be made online.

Q4. How can I give feedback about the online service?

A4. At the top of each page online there is a feedback link in the banner (highlighted in orange below). We encourage you to let us know which new features would be the most helpful to you.

The screenshot shows the 'Manage probate applications' interface on the GOV.UK website. At the top, there is a navigation bar with 'Case List' and 'Create Case' links. A search bar is located in the top right. Below the search bar, there is a 'BETA' banner with the text: 'This is a new service - your [feedback](#) will help us to improve it.' On the left side, there are filters for 'Jurisdiction' (set to 'Manage probate applications'), 'Case type' (set to 'Grant of representation'), and 'State' (set to 'Application updated'). Below the filters are 'Apply' and 'Reset' buttons. The main content area is titled 'Case List' and shows a table with the following columns: 'Case reference', 'Your reference', 'First name(s) of deceased', 'Last name(s) of deceased', 'Date of death', and 'Case printed'. The table displays several rows of draft cases, each with a 'DRAFT' status and a 'REF' reference. A 'Create new case' button is located in the top right corner of the case list area.

Q5. I want to make an application online, but how do I set up my fee account, so I can use payment by account (PBA)?

- A5. You can sign up by visiting:
<https://www.gov.uk/government/publications/form-fee-account-application-form-fee-account-customer-application-form>

Q6. Can I change my answers when filling out an online application?

- A6. Yes, you can.
When you come to the legal statement at the end of the application, it will ask if you need to make changes. If you do, click 'yes'.
Then, click the green button to 'submit' your application, and the application will return to 'deceased details'.
From here, continue your application and make the necessary amendments.
Your application is only formally submitted when you have paid.
Please note, that once you have submitted your application, you will not be able to change any of the information provided.
We know that this process is causing some confusion, we are looking at how we can improve the process and the information for users.

Q7. I have indicated that I want to make changes to my legal statement, however, the next step says to 'complete application'- will this submit my application?

- A7. No, this will simply take you back and allow you to change your answers. Your application is only submitted once you have paid.

Q8. Where do I send my supporting documents?

- A8. You will be given a list of all the supporting documents you need to provide and where you need to send them once you have submitted your application. You will not have to produce a cover letter to go with these documents – the system will generate one for you. You do not need to send two copies of the will with online applications, although we would advise having copies for your own files.

Q9. How do I delete unsubmitted cases?

- A9. Unfortunately, you cannot delete unsubmitted cases at present. We are looking to change this.

Q10. The legal statement only generates one area for a signature. In cases where there is more than one applicant, can multiple statements be printed to be signed or must they all sign one document?

- A10. You can either print multiple copies and ask each executor to sign a separate document, or you can collect all the executors' signatures on one document. As long as HMCTS receives a signed version of the legal statement from all executors, that is what matters.

2. Paper application queries

Q1. Why were the new forms introduced?

- A1. The new forms were introduced to standardise and simplify a process that was outdated and complicated, especially for personal applicants.
At present, there are two versions of the new version of forms PA1A, PA1P and PA8A: one for personal applicants and one for professionals.
We will soon replace these forms with a single version of each to be used by both personal applicants and professionals. We will publicise when this will be introduced.
The primary benefit of standardised forms is to allow for paper forms to be scanned and progressed digitally in a process known as 'bulk scanning'.

Q2. What is bulk scanning?

- A2. This is a process that allows us to digitally scan all paper forms sent to us by personal applicants. All the forms are scanned in one location, and then all the information they contain is put into a digital case file. This enables our staff to work on cases anywhere in the country, including at home. For applicants, it means that even if they cannot use a computer they can still benefit from the improved processes in place for dealing with digital files. Soon, applications sent by professionals will also be converted into digital cases.

Q3. How do the new forms comply with the requirements of the Non-Contentious Probate Rules 1987 (NCPR)?

- A3. The relevant rule which enables probate registries to revise probate application forms are NCPR Rule 4 and 4A (1).

Q4. I have a matter where there is a will but no living executors or beneficiaries, which form should I complete?

- A4. You should complete form PA1P as we will prove the will. This may be to a legatee or person entitled to the estate undisposed of by the will. This will then issue as letters of administration with the will annexed.

Q5. Why do you ask for inheritance tax (IHT) information in PA1A and PA1P when the information is already in the IHT forms?

- A5. Having this information on the forms means this is inputted automatically onto the digital case when we receive the PA1A/PA1P form.
HM Revenue and Customs (HMRC) and HM Courts and Tribunals Services are two separate parts of government, so by having the information repeated, this greatly reduces time taken in the administrative process and helps to ensure uniformity in IHT reporting.

Q6. Do I need to complete questions 2.9 to 2.14 and question 4 on form PA1P?

- A6. These questions do not need to be answered if the will is prima facie valid and if there is an executor applying. However, if an issue is discovered with the will the applicants may have to provide this information to allow the registrar to proceed with the application and to determine entitlement. In some circumstances, this would allow the registrars to determine whether NCPR Rule 12.3 could be used to dispense with evidence of execution.

Q7. Where should professionals provide details for correspondence?

- A7. On PA1P, provide your details in question 1.20.
On PA1A, provide your details in question 1.15 should be completed.

We are aware that professionals will need to sign their name twice (see further advice below).

Q8. If the applicant is a solicitor or probate professional within a firm, company or corporation named in the will, where are all the details added?

- A8. If the appointment of executors is of “partners/directors/members in the firm” then the names of those partners/members/directors who are applying must be set out in question 1.1. The name of the firm appointed should be added in question 1.2. Those having power reserved appear by reference to “remaining partners/directors at the date of death in firm of ABC” should be added in section 3.6. The title of the applicant added in 4.3, for example: “partner/director in the firm of ABC at the date of death”.

Q9. If the partners/directors in my firm appoint our trust corporation arm to act as their attorney, where should I put this information?

- A9. On PA1P, where a trust corporation is acting either as executor or on behalf of a person entitled, the authorised person applying on behalf of the trust corporation should enter the name of the trust corporation in 1.1. Add the full name of the person applying and their position in the trust corporation as a person appointed by a resolution on behalf of a trust corporation in 1.2. In addition, if acting as attorney then also complete section 5.

On PA1A, enter the name in 1.1.

Add any additional information to 2.15 and 2.16.

Add the attorney details, where applicable, in section 4.

Confirmation is required in all types of application that the corporation is a trust corporation in accordance with Rule 2 (1) NCPR 1987 (include also in 2.16). This is a requirement under Rule 36 (1). Any application made by a trust corporation on this form will cause the application to be halted (known as a ‘stop’) unless this information is included.

Q10. Note 1.1 in the PA1P says ‘if the applicant is a firm, company, or corporation, please insert the full name in the ‘first name(s) box’. Why is this?

- A10. Only a trust corporation can have the grant issued in their corporate name. However, the declaration must be signed by the authorised person acting on behalf of the trust corporation so their name must appear in 1.1. The next version of the form will further clarify this.

Q11. In both PA1P and PA1A, note 2.15 says see Tristram and Cootes for guidance on the wording and information I should use. Is this the only type of wording that can be used?

- A11. The reference to Tristram and Cootes serves as a guide to help you. You can use different wording if prior clearing under the relevant rule is included and (entitlement) title of the proposed grantee is included.

Q12. If the deceased’s name in the death certificate is an alias and assets are held in their true name, which name will the eventual grant show?

A12. The grant must be issued in the deceased's true name. It is a requirement of Rule 9 that the statement of truth declares which of the names given, where there are more than one, is the deceased's true name.
We will assume that, where there is only one name given, that it is the true name.
If an alias exists, we are content that the name provided in 2.1 and 2.2 is the true name.
You should record in 2.7 any alias the deceased was known by.
If the death certificate does not show the deceased's true name you should also indicate in 2.7 which is the true name.

Q13. I have an intestacy case where genealogists are researching an extensive family tree that will take time.

The class of persons entitled under the intestacy rules have been identified.

I want to apply for a grant, but form PA1A asks for the number of beneficiaries entitled.

What should I do?

A13. As long as it is certain that the persons making the application are entitled to the estate, the application can be made.
The grant would be issued on the basis of the applicant being 'one of the persons' entitled.
The application form should be populated with the numbers you are aware of. You may wish to add additional comments in boxes 2.15 and 2.16.
If there is any doubt about whether the person making the application is entitled then the application should not be made.

Q14. There are other partners/directors/colleagues named in the will who are not applying, what should we do with this information?

A14. If the appointment of executors is of "partners in the firm" then reference to "remaining partners at the date of death in firm of ABC" should be included in section 3.6 and the reason for not applying.
If they are appointed individually then their names and reason for not applying are also included in box 3.6.

Q15. Sections 7.3 to 7.5 of PA1P and sections 6.3 to 6.5 to PA1A indicate the fees will be determined according to the net value of the estate. Could you clarify this?

A15. The probate fee is based on the net value of the estate, as per the fees order. See <https://www.gov.uk/government/publications/probate-fees-from-april-2014-pa3>

Q16. What if I run out of space in box 1.2 or box 2.16?

A16. A separate sheet can be provided. However, please try to ensure everything fits within the space provided. The continuation sheet must be cross referenced to the form PA1A/P and bear the declaration and be signed. You must use a sheet of paper that is the same size as the PA1A/P form.

Declaration: 'The undersigned confirm to administer the estate of the person who has died in accordance to the law, and that the application is truthful'.

Q17. I feel the application form does not cater for my circumstances, how should I fill it in?

A17. In circumstances where you feel the forms do not specifically cater to the application you want to make, then you should expand on your circumstances in boxes 2.15 and 2.16 on the PA1A and PA1P.
Supplemental evidence to lead to orders (save for those under Rule 30 (1) (a) and (b)) are filed on the current form of declaration pertaining to those type of orders. We will still settle these documents and will be able to assist with wording to show complex clearing and title in box 2.16, by way of a pre-lodgement enquiry using the current form (Please ask your local registry for this- this form will be on gov.uk imminently).

Q18. Part 4 of the PA1P requests the names of the deceased’s children and their children’s children, if they died before the deceased. This sounds relevant only to an intestacy. Why is this information requested? Could you provide some clarification on the scope of ‘relatives’?

A18. Names and relationships of ‘relatives’ and whether ‘adopted in or out’ of the family is sought in:
2.13/2.14 (PA1P, where there is no executor applying, but there is a will) and
2.9/10 (PA1A –where there is no will).

Relatives are those persons entitled under Section 46 of Administration of Estates Act 1925.
The information is always required on intestate applications and sometimes on letters of administration with will annexed applications, if any part of the estate is undisposed of by the will.

Q19. Why does the probate registry need to know if, as asked in 2.14 on the PA1P, the deceased “gave up a child” for adoption when very young, or that a brother who inherits was adopted by the deceased’s parents many years ago?

A19. If a child of the deceased was adopted out of the family it affects prior entitlement and has always been necessary to clear off in any case where title to the grant is based on intestacy. It is commonly known by the term “alienated by adoption”. Full title and clearing is a requirement of NCPR Rule 8 (4).

Q20. Some will not wish to answer sensitive questions, for example about adoption. What is the statutory authority for asking for this information?

A20. Adoption details have always been necessary on all applicable cases. The requirements stem from Registrar’s Directions 8/3/1950, 18/7/1951 and 18/3/59. A further direction of 4/7/89 deals with what information must appear in the oath. The directions were made following on from the various adoption acts and the later direction after the Family Law Reform Act 1987.

Q21. Why is the information in sections 2.13 (form PA1P) or 2.10 (form PA1A) on the total value of foreign assets (not including houses or land) needed?

A21. The full value of the estate wherever situated is used to determine a lawful spouse’s title to a grant where that title is derived under intestacy or partial intestacy. This does not include the value of immovable property outside England and Wales as title to this is covered by the law of *lex situs*.

Q22. Section 6.2 (form PA1P) or 5.2 (form PA1A) asks for the listing of assets in England and Wales for anyone non-domiciled. In these circumstances they are only taxed for IHT on

their UK assets - surely this information is included in the IHT205/400 already referred to in part 7/6?

A22. We need to know that there is an estate in our jurisdiction and what it consists of. This assists us in determining title to the grant.

Q23. Question 8 on form PA15 asks whether renouncing executors are

1) A sole executor and residuary legatee and devisee in trust.

2) One of the executors and residuary legatees and devisee in trust.

What happens if an executor would like to renounce but is not a residuary legatee?

A23. Complete section 1 and make the necessary amendments to the form.

Q24. We are responsible for the administration of bona vacantia intestate estates where the deceased has died intestate and without kin with an interest in the estate under the intestacy rules. Can you provide some guidance as to what wording we should use and where it should be included on the new forms?

A24. The usual wording that appears on a 116 application for bona vacantia estates should be included in box 2.16 with a continuation sheet if necessary. See question 16 for further guidance.

Q25. Can I submit a certified digital PDF copy of the forms with an undertaking to provide an original hard copy and exhibits as soon as practicable during the current coronavirus (COVID-19) pandemic?

A25. Following advice from the President of the Family Division on March 27th 2020, original signatures are not a requirement.

The registrars have indicated that their preference is to have either a copy or the original but not both as this would cause confusion within the offices.

There is, however, an exception of documents from foreign courts and officials. These **must** continue to be provided as hard copies, with wet or embossed seals.

Q26. I am a successor firm, how do I account for succession on the form?

A26. In 1.3 on the PA1P answer 'yes' and in the box provided, give details of the succession. For example: "I am one of the partners in the firm of X at the date of death, X having succeeded to and carried on the partnership of Y at the date of death".

Q27. In form PA1A, there is no mention of the fact that great nephews/nieces or cousins once or twice removed could be entitled. How do I use the form in these rare cases?

A27. Use box 2.16 and explain the entitlement in these circumstances.

3. General queries

Q1. Where do I go if I have feedback, queries or technical issues with the service itself?

A1. Please email probatefeedback@Justice.gov.uk We will consider all issues raised for future versions of the forms.

Q2. If I want to be added to the circulation list for any updates to the online probate service who do I contact?

A2. Please email probatefeedback@Justice.gov.uk , giving your name, email address and local registry.

Q3. Do the fees for professionals remain the same at £155?

A3. Yes, currently the fees remain the same whether your application is using the paper forms or the online service.

Q4. What can I do to make my application run smoothly?

A4. Please wait 15 working days after submitting your IHT 400/421 to HMRC before sending HMCTS your probate application. If you submit it before, it is likely that your case will be stopped, causing administrative delays as we wait for the form to be received from HMRC.

Q5. Does the online probate service have an application programming interface/auto population (API) capability?

A5. No, the service does not currently have this capability, although we may consider this in the future.

4. Inheritance tax queries

Q1. If information on foreign domicile asked for in section 6.2 of form PA1P and section 5.2 of form PA1A (which lists assets in England & Wales for anyone non-domiciled) is already included in IHT form 205/400 why is it needed on the probate application too?

A1. You must include this information on IHT 205/400 and PA1A/P as we need to know that the estate is in our jurisdiction and what it consists of. This helps us in determining title to the grant. We do not always see form IHT 207 and never see IHT400.

Q2. According to note 7.5/6.5 in the PA1P/A, HMRC will send IHT 421 to HMCTS. Where will this be sent?

A2. HMRC sends this form to HMCTS by email. These emails are received and processed by staff working in our courts and tribunals service centre (CTSC) in Birmingham.

Q3. Question 7 on form PA1P and question 6 on PA1A ask whether an inheritance tax form has been completed online. Currently only form IHT 205 can be completed online for citizens. Are there plans for form IHT 400 and 205 to become available online to professionals?

A3. HMRC own these forms and they are trialling the effectiveness of submitting IHT 400 via Dropbox, any changes to the process will be communicated.

5. The process explained

Q1. Where are probate applications now processed?

A1. We have one central processing office in Birmingham. This is used to process online applications made by both professionals and personal applicants. They also process paper applications made by personal applicants which have been converted into digital cases via bulk scanning.

At present, all professional applicants should send paper applications to the probate registries listed on form PA4 SOT for probate practitioners, which is available from:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874367/pa4sot-practitioner.pdf

At present there are difference versions of forms PA1A, PA8A and PA1P: one each for personal applicants and professional applicants. Soon only one version of each form will exist, which will be for use by both professional and personal applicants.

At that point, professional applicants will be asked to send their forms to Harlow where they will be handled in a similar way to paper forms from personal applicants. We will let you know when this change takes place.

6. Signature guidance

Q1. What is an electronic signature?

- A1. Examples of an electronic signature include someone's name at the bottom of an e-mail or digitally writing your name on a form.
In legal terms, electronic signatures can be used for a wide range (but not all forms) of business with the equivalent legal effect of a handwritten signature. The general basis is that it is linked to the signatory, helps identify the signatory, is under their sole controls and signals their intention to sign something.

Online journey: professionals

Q1. Can I sign the legal statement on behalf of my client, or do they need to be sent a copy of the legal statement to sign?

- A1. You must send it to your client to sign.

Q2. Can the client sign the legal statement electronically, in addition to a wet signature?

- A2. Yes, they can sign electronically.

Paper journey: professionals

Q1. In relation to note 1.1 of the PA1P, whose name and contact details should we put in the first applicant section.

- A1. Probate applications are a reserved legal activity under the Legal Service Act 2007. You must be someone regulated by one of the of the approved regulators, for example solicitors, conveyancers and accountants, to be able to submit a PA1P application.
In these circumstances, you should put your own name and individual details in this section. You will have the opportunity to note your firm's name in the legal statement. If, however, you are an authorised official applying on behalf of a trust corporation, it is the trust corporation's name and contact details that should be filled out in this section as it will be the trust corporation's name that will appear on the grant.

If any partners/directors/colleagues are named in the will and are holding power reserved, you should explain this in section 3.6.

Q2. Should I sign the legal statement with either a wet signature or electronic signature?

A2. Either are acceptable.

Q3. If I am acting for 2,3 or 4 applicants, do I sign on behalf of these extra applicants? Does my signature count as an ‘umbrella’, encompassing the required signatures for these extra applicants? Therefore, would I only need to fill out the applicant 1 signature box or all the extra additional ones required?

A3. You (the professional) can sign on behalf of all these applicants, but they may also opt to sign themselves. If signing for multiple applicants, you must sign in the applicant boxes for however many additional individuals you are acting for. Each signature can be either electronic or wet.

Q4. If I am acting for someone in an intestacy case and using form PA1A, who should sign the legal statement, me or my client?

A4. You should sign on behalf of whoever you are acting for with a wet or electronic signature. If you are acting for multiple applicants, the rules as outlined in this section apply.