



# New Probate Fees Scrapped

The Government has announced that the [controversial new probate fees](#) which were due to be introduced on 1 April 2019 (and which were subsequently delayed) will now be completely scrapped.

The Non-Contentious Probate Fees Order 2018, which would have introduced the fee increases, had been heavily criticised. It was also described as a stealth tax for families and estates. This is because the current fixed probate fee of £215 (or £155 when a solicitor is used) was due to increase to as much as £6,000 for estates worth over £2million.

Justice Secretary, Robert Buckland commented that the proposed fee increases were not *"fair and proportionate"*.

## Why were the new probate fees delayed?

In previous blogs, we have mapped the troubled journey of the probate fee increases. This included the following key events:

- March 2019 – the Government announced that, due to Parliamentary time being taken up with Brexit, the introduction of new probate fees on 1 April 2019 would be postponed.
- September 2019 – Parliament is prorogued and it is believed that the Non-Contentious Probate Fees Order 2018 was allowed to lapse.
- September 2019 – the Supreme Court rules that prorogation of Parliament was unlawful (as though it had not happened). This meant that the probate fee increases were back on the table.
- October 2019 – the Government announces that the probate fee increases will be shelved.

## What is the current probate fee?

The fixed fee of £215 (or £155 when a solicitor is used) still applies and no changes to this are currently

proposed (though, some possible smaller changes to cover administrative costs have not yet been confirmed).

For the time being, this is good news for estates, however, that does not mean that a future Government will not try to increase probate fees again.