HM Courts & Tribunals Service

We Are Group

Applying for Probate

Please note We Are Group do not offer any legal or financial advice and guidance to the user or defendant.

This is a summarised version of the full training pack and is intended to be used as a handy reminder.

If you are new to delivering this service or have had an extended break away, we would **HIGHLY** recommend referring to the full training pack that includes a full breakdown of the process and screenshots of each page of the form.

You can find the link here.

We recommend working on an offline document for any large passages of text. This will safeguard you against losing your progress in the event you experience Internet connectivity problems, website dropouts, or other technical problems.

Please note that this is a non-proxy form-fill service so you CANNOT fill the form in on behalf of the applicant. If your session has been booked as remote, you can walk the applicant through the form, but they **MUST** complete it on their own device.

To start a Probate application visit: **https://www.gov.uk/applying-for-probate/apply-for-probate**

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About the process

When applying for Probate, it is important to know whether there is a will.

- If the answer is **YES** there is a will, any of the named executors can apply for probate.
- If the answer is **NO** there is not a will, the closest living relative can do so.

During this process, it is important to explain that a fee, will be payable if the estate is worth over £5,000. If, however, the estate is worth less than £5,000, there is no fee. Help with fees is available to the applicant in instances where they are unaware the estate is over the threshold. This means they will need to pay the £300 appointment and the Probate appointment will be booked after, or the applicant can pay this first, and then get a refund after.

When helping the applicant complete their application, it is important that they provide reliable information about the value of items in the deceased person's estate, especially property. Property values should be based on an accurate professional estimate which can be done by an Estate Agent or Chartered Surveyor. Online marketplaces can also help with estimating the values of things like vehicles or jewellery.

To check if inheritance tax is payable on the estate, use the online checker or visit https://www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value

Once the results for the inheritance tax checker has been received, ensure they are saved as a PDF and email a copy to the applicant as this will be important later on in the process.

If the estate is valued over the inheritance tax threshold of **£325,000**, as of April 2024, the applicant will need to download and complete a paper form IHT400; which will report the estate's value to the Inland Revenue (IR).

It is important to consider having a copy of this ready just in case as the applicant will have to wait until the IR replies before they can apply for probate.

In the instance that the deceased died abroad, and had no assets in the UK other than cash or stocks and shares worth less than £150,000, a form IHT207 will need to be downloaded and completed; please note we do not support with this. To do this, the deceased's death certificate and, their Will will be required, in addition to the figures from the inheritance tax checker being useful too. The applicant will also need an email address, which may need to be set up for them during the appointment. Once this has been created, the applicant can work through the form and an account will need to be set up for them.

Submitting the application:

During this process, it is important to check everything with the applicant before they complete the Declaration page. If a mistake is made in the application and discovered afterwards, the applicant will have to complete a new application.

Once the form is finished, if there are other Executors involved, they will be sent a copy of the application, which they will then need to approve before it can proceed. Please note, by providing the applicants' email addresses the process will be sped up too.

After the declaration page, the applicant then has the option to order extra copies of their grant of probate. They are also asked to pay the fee (refer to page 2), followed by being given a reference number, which is important that they make a note of as they may need this at a later date.

Finally, they will be asked to post several documents to the address on the web page (Principal Registry of the Family Division). Once the applicant has reached this step, recorded delivery is recommended. These documents include:

- The original will, will become a public document, so the applicant will not be getting this back.
- The completed IHT207 form, if applicable.
- A piece of paper showing the reference number for their application. There is a printable coversheet, but this is an acceptable substitute.

For a list of helpful charities and organisations that can provide useful advice, guidance, and support click here: Partner Signposting Booklet.