



PRESIDENT OF THE  
FAMILY DIVISION

**SIR JAMES MUNBY**

PRESIDENT OF THE FAMILY DIVISION AND HEAD OF FAMILY JUSTICE

14 March 2016

Shailesh Vara MP  
Parliamentary Under-Secretary of State  
for Justice  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

*Dear Minde,*

### **Consultation on proposals to reform fees for grants of probate**

I am writing on behalf of the Judicial Executive Board to respond to the Government's public consultation on probate fees.

We support the proposal to move to a fee structure which is proportionate to the value of the estate. As the consultation paper points out, this would be a return to the fee regime which applied in probate between 1981 and 1999. In our view, a proportionate approach is fairer and more progressive than a flat fee and we were surprised that a flat fee structure was introduced in 1999 – this felt like a retrograde step at the time.

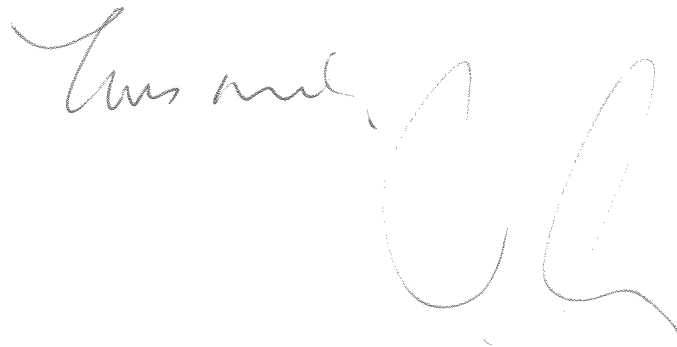
We also support the proposals to increase the threshold beyond which a fee is payable from £5,000 to £50,000 as a sensible means of lifting smaller estates out of the fee regime altogether so ensuring that those of modest means are not burdened by these fee increases.

It would not be appropriate for the judiciary to comment upon the proposals on the quantum of fees as this is a matter for the executive. Nor is the judiciary best placed to respond to Question 4 – we feel sure that others will be in a better position to do so.

Turning to Question 5 on exempting probate from the fee remission scheme, we can see the argument for this on the basis that the fee comes out of the estate and does

not fall as a personal charge on the executor. For this reason, we would not oppose the proposal. Regarding Question 6, again, others will be better placed to respond.

I am copying this letter to the Lord Chief Justice, the Senior President of Tribunals, the Master of the Rolls, the Chancellor of the High Court and the President of the Queen's Bench Division.

A handwritten signature in black ink, appearing to read "L. M. R.", followed by a large, stylized flourish or initial.