

The High Court Probate Officer
on how to reduce errors and get
your Grants quicker

The Answer

- Paperwork



REDUCE

WAITING

TIMES

CSO Statistics

Year	No. of Deaths	Over 65
2007	28050	21824
2008	28192	21847
2009	28898	22232
2010	27565	21536
2011	28995	22631
2012	28848	22768
2013	30018	23980
2014	29095	23269
2015	29952	24330
2016	30390	24796
2017	30484	25026
2018	32029	

Probate Statistics

Year	Probates	Intestacies	Total
2007	12,466	4,675	17,141
2008	11,980	4,298	16,278
2009	11,443	3,952	15,397
2010	11,626	3,640	15,266
2011	12,520	3,830	16,350
2012	10,461	3,149	13,610
2013	11,748	3,144	14,892
2014	12,449	3,298	15,747
2015	11,812	2,893	14,705
2016	12,664	3,288	15,952
2017	12,873	3,207	16,080
2018	18154	3691	21845

Context



Year	€1,000	€2,000
2007	€17,1410,000	€34,282,000
2011	€13,610,000	€27,220,000
2017	€16,080,000	€32,160,000

Revenue



CAT 2016: €419 m

CAT 2017: €460 m

CAT: €500M+



An Roinn

Gnóthaí Fostaíochta agus Coimirce Sóisialaí

Department of

Employment Affairs and Social Protection

Charitable Bequests



Probate is a process



Is there another way

- Applicant in person
- e-Probate
- DIY Probate
- European model

What is the process



Assessed
Processed
Addressed

Set out the process

- Papers arrive by post, DX or are lodged in person
- Papers are assessed by Higher Executive Officers
- Papers are either returned with errors or are moved to the next checking phase which is at management level within the Probate Office
- Papers are then sent for final processing
- Grants are signed
- Grants are posted or collected

What is my role

- Order 79 Rule 4
- ***“the Probate Officer shall not allow probate or letters of administration to issue until all inquiries which he may see fit to institute have been answered to his or her satisfaction. The probate Officer is, notwithstanding, to afford as great facility for obtaining grants of probate or administration as is consistent with a due regard to the prevention of fraud”.***

What is my role

- Provide guidance and advice through the Courts Service website, through seminars and through one to one contact with the legal profession
- Ongoing engagement with the Irish Law Society

What is your role

- To act as professional advisors to Executors or Administrators
- To present applications which will lead to the issue of a Grant or Letters of Administration

What can the Probate Office do

- Rule changes
- Changes to fee structure
- Process changes
- Query policy

Impact



- 60% error rate

What can you do

- Ensure that competent and appropriately trained staff deal with probate applications
- Papers are checked before being sworn
- Papers are always checked by a solicitor before being submitted to the Probate Office
- A final check before actually submitting the papers to ensure that only the required documentation is submitted

Error types

- Too many papers/not enough papers
- No title
- Jurats
- Testamentary capacity
- Attestation clauses
- Bonds
- No death certificate
- Incorrect content
- Not following precedents



Implications

- We will publish details of the error rate
- We will lose resources – cannot subsidise errors
- We will use technology to eliminate the problem
- We will restrict the use of post if errors continue at this rate
- We will identify the good the bad and the ugly
- We will target the best in class
- We will target the worst in class
- We may introduce certification
- We may move to the UK probate system

Good example

Bad example

What if there is no change





That's all Folks!