



Sarah Sackman KC MP
Minister for Courts and
Legal Services

Clerk of the Justice Select Committee
House of Commons
London
SW1A 0AA

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03 September 2026

Dear Clerk of the Committee,

PROBATE FEES

Thank you for your further letter of 14 July regarding the increase to the probate application fee. I have set out my response to your points below.

The threshold for non-payment of a probate fee

The Government notes the Committee's recommendation that the threshold below which the probate fee is not payable should be increased.

We agree that probate fees should be fair and proportionate, and that no one should be deterred from applying for probate as a result of the level of the fee.

In considering at what level the probate fee threshold should be set, we consider a number of factors. An important factor is the cost of administering probate applications, which does not tend to vary significantly according to the value of the estate. It is important that probate fees recover the cost of providing the service as outlined in HM Treasury's *Managing Public Money* guidance.

In setting fees, the Government seeks to balance cost recovery with maintaining access to justice, and we consider factors relating to this. Importantly, where probate is required, the application fee is typically payable from the assets of the estate rather than being personally funded by the applicant, and the Help with Fees remission scheme remains available to eligible users who are less able to reasonably afford to pay a fee.

We also note that probate may not be required in every case. Whether a grant of probate is needed is dependent on the circumstances of the estate and the requirements of the organisations holding the deceased's assets. In some cases, particularly where estates comprise lower-value assets, financial institutions may be willing to release funds without requiring a grant of probate. In these cases, lower-value estates can be administered without the need for probate and therefore without incurring a probate fee.

We keep all court and tribunal fees under continual review, including the probate fee threshold, which will be considered in future work on probate fees.

The costing methodology

Court and tribunal fees are set in accordance with HM Treasury's *Managing Public Money* guidance, which recommends that fees are set at a level that recovers the full cost of delivering the service. This principle has also been supported by the Public Accounts Committee.

The estimated cost of a probate application was calculated using a costing model that complies with HM Treasury's *Service Costing in Government* guidance, and which is consistent with standard government accounting practices. The cost of a given activity is calculated by compiling the cost of its component parts, namely (i) staff costs, (ii) judicial costs, and (iii) administrative costs. The objective of this methodology is to accurately reflect the resources required to deliver the service.

A further cost component for all activities is (iv) a share of HMCTS overheads, to account for HMCTS costs which cannot be directly attributed to administering a probate application, but are nonetheless necessary to effectively run the organisation (such as finance and HR functions).

Consistent with HM Treasury's *Service Costing in Government* guidance, overheads are calculated using a top-down methodology, which allocates a proportion of HMCTS' overall operating costs to the service. This approach is necessary as the Department does not hold sufficiently detailed data to identify every individual factor driving overhead costs.

To avoid significant fluctuations in fees arising from short-term changes in costs or application volumes, overheads and volumes are calculated using a five-year average. This provides greater stability for both court users and the Department.

The Department considers the resulting figure of £536 to be its best estimate of the full cost of processing a probate application. The fee of £526, together with the £2 fee charged per copy of a probate grant requested alongside an application (based on an average of five additional copies), is intended to recover, but not exceed, the full cost of the service. We review the costs of HMCTS services annually to ensure that fees adhere to the applicable legal framework. Where fees are set on a cost-recovery basis, this ensures that they do not recover more than the cost of providing the service. As the fee has been set on a cost-recovery basis and does not exceed the estimated cost of the service, the use of the enhanced fee-setting powers under section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Sackman', with a long, sweeping horizontal line extending to the right.

SARAH SACKMAN KC MP
Minister Of State