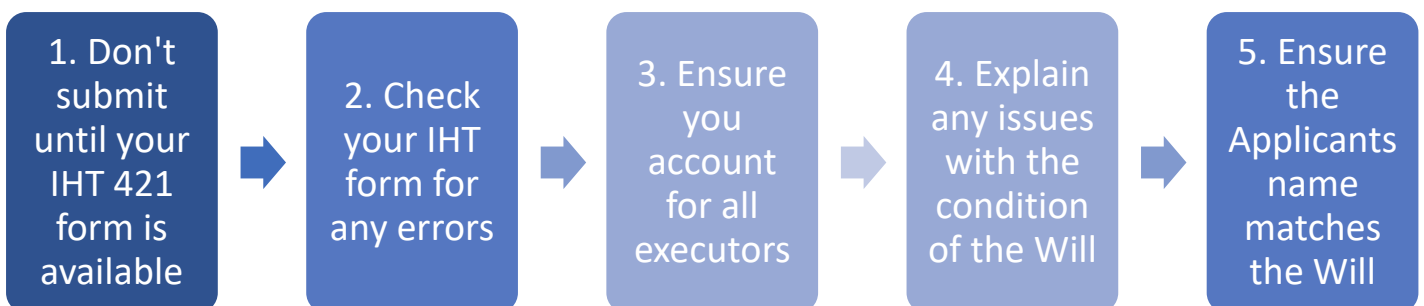# HM Courts & Tribunals Service

5 Steps to a Successful Probate Application

On average, over 35% of applications for probate are delayed (aka 'stopped') due to missing or inconsistent forms or data.

Cases that are stopped cause understandable frustration to applicants and professional users due to the delay it causes to your application and the process of stopping and then re-visiting an application causes significant resource implications for HMCTS.

Getting your application right first time reduces delay and double handling and helps streamline the application process making it quicker and more efficient for everyone.

HMCTS has been working with professional bodies such as the Law Society, CILEX and Solicitors for the Elderly to investigate how we can work together to reduce the number of cases that are stopped and as a result have come up with 5 top tips to ensuring your application is successful:

| 1. Don't submit until your IHT 421 form is available | → | 2. Check your IHT form for any errors | → | 3. Ensure you account for all executors | → | 4. Explain any issues with the condition of the Will | → | 5. Ensure the Applicants name matches the Will |

1. Send your IHT 421 form to HMRC in advance

The main reason applications are stopped is because the IHT 421 form is not currently available. This accounts for over 30% of all stops and is usually down to the issue of timing. HMRC take 15 working days to process the IHT400 and issue an IHT 421, which is sent directly to HMCTS. HMRC will not send the IHT 421 or a notification of this to you.

Please therefore wait 15 working days after sending the IHT 400 to HMRC before you send your application to HMCTS. This will ensure that when HMCTS receive your application, the IHT 421 will be available and your application can be processed without delay.

2. **Make sure your IHT form is present and correct**

Missing IHT forms or errors on IHT forms account for 22% of all stops. Please ensure the figures on your IHT form are correct and that IHT 205 / IHT 207 forms are sent to HMCTS. We are amending the online system to ensure there is further clarity around what IHT forms should / should not be sent.
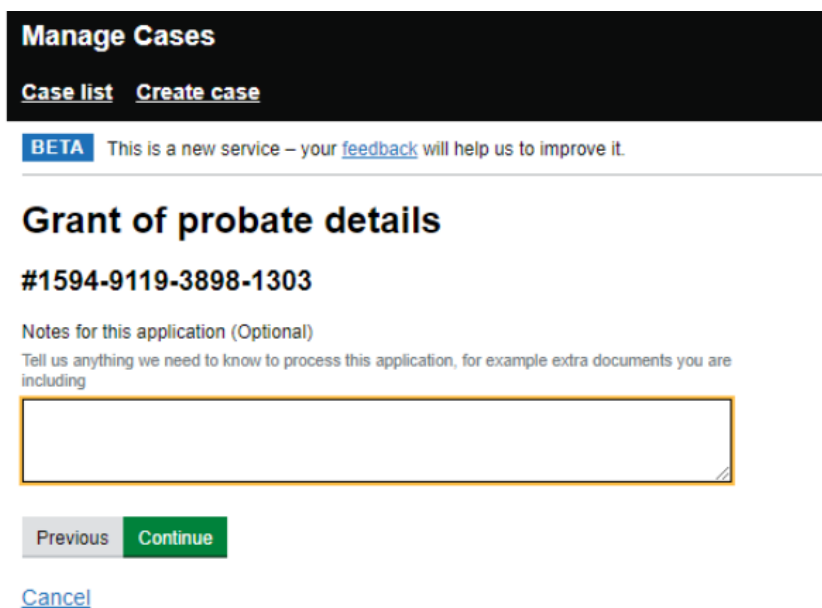
3. **Ensure all Executors are accounted for**

If someone is named in the will as an executor we need to know why you are making the application instead of them. There are many different reasons why all the executors may not apply but without you informing us why each is not we aren't able to issue the grant of probate.

4. **Explain any issues with the condition of the Will (no matter how small)**

If the will or codicil appears to have had something added, removed, or is damaged, you will need to write a letter to explain how/why this has occurred. Damage could include staple or punch holes, rusty paper clip marks, torn edges, water damage etc.

On the online system, there is a notes section where you can include comments on the Will condition:

5. **Ensure the Applicant's name matches the name on the Will**

The name of the applicant as written on the application must either match the name written on the Will or there must be a note within the application to explain why it doesn't. On the online form, you can enter their full name as it appears on the Will here:

About the executors - Grant of probate details

#1604-9424-2541-5628

Enter all executors named in the will. Only 4 lay executors can apply.

First name(s)
Include all middle names

Samantha

Last name(s)

Smith

Is this name different to how they are named on the will?

(•) Yes   ( ) No

Enter their full name as it appears on the will

Samantha Clark

If the name on the Will is vastly different from the current name of the executor it is advisable to give an explanation in the notes section of the online form.

Working together

If we are able to reduce the amount of times HMCTS needs to intervene with a case due to one of the reasons listed above, we will be able to reduce the chance of delay to your application and free up resources to focus on new applications.

Did you know… If you have submitted your case via the online system, you are able to log in at any time and see live progress on your case.

It is our aim to issue grants within 8 weeks of receipt of a correctly submitted application. To assist us in achieving this target please refrain from requesting progress updates from HMCTS until 8 weeks has passed.