

PROBATE SERVICE REVIEW

QUESTIONNAIRE

Please send the completed questionnaire –

by post to –

The Secretary,
Probate Service Review Group,
The Probate Office,
Phoenix House,
15/24 Phoenix Street North,
Smithfield,
Dublin 7

or by email to –

probateservicereview@courts.ie

by 31st August 2016.

Name: STEP (Society of Trust and Estate Practitioners Ireland)

Work Address: c/o Cormac Brennan, Vice Chair, O'Connell Brennan Solicitors, 10 Lower Hatch Street, Dublin 2

Contact Number: 016814300

[Note: Responses which do not include the above information may be disregarded.]

1. In what capacity do you engage with the Probate Service?

Solicitor

Legal Executive/Town Agent

Applicant in person

Other (*please give details*)

2. How often do you engage with the Probate Service?

Daily While no individual STEP Member would engage with the Probate Service daily, across our membership there would be contact with the Probate Service on almost a daily basis.

Weekly

Monthly

OCB001/0001/SOC/190,711

Other (please give details)

3. If you are a Solicitor do you conduct your probate business through the Dublin Probate Office or a District Probate Registry/Registries? (Please identify specific Registry/Registries concerned):

in the main although STEP members outside Dublin may be more familiar with District Registries. This very much depends on the practitioner.

4. Where you have a choice of transacting probate business through the Dublin Probate Office or a District Probate Registry/Registries which do you opt for

Dublin Probate Office

District Probate Registry/Registries

Dublin based solicitors would tend to use the Dublin Probate Office in the main due to familiarity. Many Dublin firms use a Court Clerk to deliver documents by hand to the Probate Office for ease of administration in making probate applications. Other non-Dublin based solicitors may prefer to use their local registry for convenience.

5. What aspects of the current service could be improved and do you have any suggestions as to how any such improvements could be realised?

Dublin Probate Office

The main issue at the moment relates to the delays in the Probate Office, and we understand that there is a move towards improving this aspect, although the delay in obtaining a Grant of Representation is still very long and creates a real barrier to the efficient administration of an estate. There are particular problems and uncertainty in relation to applications for non-domiciled deceased individuals' estates where the applications are submitted in the drop-box. It would be helpful to have some system similar to the Property Registration Authority to assign application numbers to each application, which could be tracked online through the system, so that practitioners and clients would have some understanding of what stage has been reached and when the Grant of representation is likely to issue. The current system lacks transparency in terms of timing.

We appreciate that mistakes can sometimes be made in papers submitted, but the €40 fee for queries is quite high.

It would also be very helpful if there was an improved telephone communication system with the Probate Office so that technical queries could be raised and any issues dealt with prior to a probate application being made. We appreciate that it is not always possible to have staff members on hand to address queries over the telephone, but some improved system would be very welcome in this regard.

District Probate Registry (*please identify specific Registry/Registries concerned*):

6. What aspects of the current service work well and should be retained?

Dublin Probate Office:

Many STEP practitioners deal with complex cases and we find that the attention and assistance given in these cases is of a very high standard. The main difficulty can be getting through to discuss a technical query with a staff member, and we appreciate that the staff at the Probate Office deal with an enormous workload so it is not always possible to have someone on hand to field technical queries. The quality of the review work and technical assistance is of a very high standard and can remove the need for queries to be raised at application stage. There is a general understanding among practitioners that if a complex technical issue does arise, the staff at the Probate Office are willing and able to assist, which instils confidence in the system.

District Probate Registry/Registries (*please identify specific Registry/Registries concerned*):

7. What role do you see for technology in the future delivery of the Probate Service?

8.

9. Are there any further comments whether of a general or specific nature you wish to make?