



Lucy Frazer QC MP  
Parliamentary Under-Secretary of State  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ  
United Kingdom

Tuesday 12<sup>th</sup> March 2019

Dear Minister,

### **Urgent action on probate fees**

We are writing to express our concerns about the plans to increase probate fees and to propose a different approach that could reduce the negative impact these changes could have on charities.

While we understand that probate fees are an essential element of judicial funding, we are concerned that the cost is disproportionate. This is especially so, considering the service involved is the same regardless of the worth of an estate.

The proposed fee structure has unintended consequences that could be detrimental to charitable giving. We appreciate the clarification you gave us that the order will not affect the amount paid out to charities when there is a fixed request rather than a percentage. However, residual bequests account for 87% of total legacy income<sup>1</sup> and are the main type of legacy income received by charities.

At the moment there are encouraging signs that more charities than ever are benefitting from gifts left in Wills. Furthermore it's projected that legacy income could grow by 2.7% a year until 2022<sup>2</sup>. But we are deeply concerned that the changes to probate fees will severely disrupt a promising lifeline for good causes. This would be happening at a time of great uncertainty for the charity sector, when charities of all sizes are in an increasingly precarious position with ever-growing demand for their services.

We understand that these implications are not the intention or purpose of the new policy, and have been hugely encouraged by the collaborative approach taken by Government to promote legacy giving to solicitors. As a continuation of the great work that has been done to protect and grow charitable giving, we would like to meet with you to identify a potential way forward to avoid detrimental impact for charitable causes.

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<sup>1</sup> Legacy Monitor, Legacy Foresight 2018

<sup>2</sup> Legacy Foresight 2017

A different approach to probate fees could result in a positive and welcome opportunity to promote and encourage charitable gifts in Wills. If a reduction or discounted rate on probate fees were introduced for estates that include a legacy gift, this would have the effect of both reducing the financial impact on charities, as well as creating an incentive to leave a charitable gift in a Will.

We seek urgent action on this matter and hope to be able to meet with you to discuss this further.

Yours Sincerely,



Peter Lewis  
CEO, Institute of Fundraising



Rob Cope  
Director, Remember A Charity



Sir Stuart Etherington  
CEO, NCVO

*M. Lagden*

Matthew Lagden  
CEO, Institute of Legacy  
Management

CC: Mims Davies MP, Minister for Sport and Civil Society