

Non-Contentious Probate Mandating online professional applications

A consultation issued by the Ministry of Justice (MoJ)

Comments from ACCA
10 September 2020
Ref: TECH-CDR-1932

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We believe that accountancy is a cornerstone profession of society that supports both public and private sectors. That's why we're committed to the development of a strong global accountancy profession and the many benefits that this brings to society and individuals.

Since 1904 being a force for public good has been embedded in our purpose. And because we're a not-for-profit organisation, we build a sustainable global profession by re-investing our surplus to deliver member value and develop the profession for the next generation.

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Further information about ACCA's comments on the matters discussed here can be requested from:

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GENERAL COMMENTS

ACCA welcomes the opportunity to comment on the Government's proposals for mandating online solicitor and other practitioner applications for grants of probate or letters of administration. ACCA is an approved regulator for probate and our response to this consultation is informed by input obtained from ACCA practitioners who submit non-contentious probate applications in England and Wales.

AREAS FOR SPECIFIC COMMENT

Question 1: Do you agree that HMCTS should implement mandating of professional user applications? Please give reasons for your answer.

We support the proposal to mandate professional users to use the online process for non-contentious probate applications. We believe that modernisation of the process and greater use of technology is a positive development, creating a more effective system for users and generating efficiencies.

Question 2: Do you agree with the advantages identified for professional users from the online probate system?

We agree with the advantages identified for professional users of using the online service. The online probate system provides greater transparency of the process and flexibility in access and delivery. In particular, we would stress the importance of ensuring the online system is secure and has the functionality to edit and save forms and documents and also pre-populate standard information. Overall, we believe a more efficient and reliable online service will benefit users, the public and society.

Question 3: Are there disadvantages with the online probate system? Please give details.

We have not identified any specific disadvantages with an online probate system intended for use by professionals (solicitors and other probate practitioners).

Question 4: Do you have any comments on the advantages to HMCTS of the online service? Do you consider there are disadvantages (please give details)?

We are supportive of an online system that will deliver a range of benefits to the HMCTS, including cost savings, processing efficiencies, and enhanced security and reliability. We believe the proposed reforms will be welcomed by ACCA practitioners and increase levels of user satisfaction. As noted above, we have not identified any specific disadvantages with the online probate system.



Question 5: Do you disagree with any of the exceptions HMCTS proposes to make?

We note the small number of probate processes which will be excluded from the online process. However, we would encourage HMCTS to move these types applications to an online process where this is appropriate and feasible.

Question 6: Are there any other exceptions which you believe should be made to the mandating of professional user applications?

We have not identified any other exceptions which should be made to the mandating of professional user applications.

Question 7: Do you consider that any of proposals will have a disproportionate impact on individuals with protected characteristics? Are there any potential modifications that we should consider to mitigate this impact? Please give reasons for your answer.

We do not believe that the proposals will have a disproportionate impact on individuals with protected characteristics. ACCA practitioners already use, and are conversant with, electronic processes for conducting their business activities and have access to the equipment enabling them to submit online applications.

