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**For Written Answer on :** **29/11/2018**
**Question Number(s)**: **101,102** **Question Reference(s): 49982/18, 49983/18**
**Department:** **Justice and Equality**
**Asked by: Darragh O'Brien T.D.**
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**QUESTION**

\* To ask the Minister for Justice and Equality the average waiting times for each probate office to provide a grant of probate and a grant of letters of administration; his views on whether probate offices are providing a timely service in all areas; his further views on whether it has adequate resources and staff to provide a timely and efficient service; and if he will make a statement on the matter. - Darragh O'Brien T.D.

For WRITTEN answer on Thursday, 29 November, 2018.

\*To ask the Minister for Justice and Equality the status of the review of the probate system by the Courts Service; when it will be implemented; and if he will make a statement on the matter. - Darragh O'Brien T.D.

For WRITTEN answer on Thursday, 29 November, 2018.

**REPLY**
The Probate Office is an office of the High Court and management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions under the Courts Service Act 1998. Probate functions are also carried out by County Registrars at District Probate Registries in 14 provincial court offices.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has provided the following information for each probate office/registry:

**Average waiting times for grant of probate/grant of letters of administration applications:**

|  |  |
| --- | --- |
| **County** | **Waiting time**  |
| Cavan | 4 weeks |
| Cork  | 10-12 weeks  |
| Donegal | 20 weeks |
| Dublin  | 7–8 weeks |
|  Galway |  15 weeks |
|  Kerry |  14 weeks |
|  Kilkenny |  9-10 weeks |
|  Limerick | 12 weeks  |
|  Louth |  12-14 weeks |
|  Mayo |  6 weeks |
| Sligo | 12 weeks |
| Tipperary | 4-6 weeks |
| Waterford | 16 weeks |
| Westmeath | 10-11 weeks |
| Wexford | 8-10 weeks |

As the Deputy will appreciate all applications for Grants in deceased persons' estates are made on foot of a number of mandatory legal documents which must be furnished by the applicants. These require detailed checking by the Dublin Probate Office or District Probate Registry to ensure that the estate of the deceased person is administered correctly and in accordance with the law. Where a person opts to apply for a Grant personally, without the assistance of a solicitor, the process requires significant extra support from the Dublin Probate Office or District Probate Registry.

I wish to inform the Deputy that waiting times are in line with normal waiting times for work of this nature. The Courts Service is aware of the variance in waiting times across District Probate Registries which is due to the volume of applications received; the skill sets within the Registries and the operational priorities within the offices. Priority is given to probate applications where there is a particular urgency or in extenuating circumstances. In such cases, it is open to applicants to bring the matter to the attention of the Probate Office or District Probate Registry.

The Courts Service has advised that the Dublin Probate Office is fully staffed and that there is no need for further resources at present. The staffing of the District Probate Registries forms part of the overall staff structure within the Combined Court Office and services are provided within the overall resource allocation. The staffing of all Court Offices is kept under review and is allocated on the basis of the spectrum of services provided, including the delivery of probate services.

As the Deputy will be aware, the Report of the Probate Services Review Group was approved by the Courts Service Board on 23 April 2018. The Review makes a number of recommendations as set out in the Report in relation to:

1. Improvements to existing business processes;

2. Communication with District Probate Registries;

3. Re-allocation of functions;

4. ICT efficiencies including the development of online filing functionality, through an eProbate system and electronic data exchange with the Revenue Commissioners.

The Courts Service has further advised that there are ongoing improvements to the internal processes in the Dublin Probate Office which will form part of a process of continuous business improvement into the future. The changes, in addition to the allocation of additional resources, have already provided significant improvement in waiting times.

The Courts Service has informed me that the management team in the Probate Office intends to meet with the Law Society before year end to discuss further proposed changes to help reduce the assessment times for papers lodged in the Probate Office. Work has also begun on changes to the probate information currently available on the Courts Service website, including a more detailed section highlighting issues in papers submitted that could cause a delay to processing papers. The Courts Service has also informed me that work on changes to the Rules of the Superior Courts, required to implement some of the recommendations, is underway.

The Courts Service has indicated that work will begin shortly developing a detailed business case for an online eProbate system which will replace most of the more traditional channels used heretofore and will represent a significant change in how this service will be delivered. The development of this online digital application and processing system with data exchange to Revenue Commissioners is in line with Government e-policies as set out in the Public Service ICT Strategy and Our Public Service 2020.