

FACT SHEET

OBTAINING PROBATE RECORDS.

[See also Fact Sheet “Obtaining Copies of Probate Records”]

Usually a general search will be more appropriate than a standing search - see below for details in respect of carrying out a general search.

However, it is helpful to carry out a standing search if:

- you want to make a claim against the estate and need to know that a grant of representation* (“a grant”) has issued
- you believe that a grant will issue in the next six months
- the date of death is fairly recent

Function

A standing search has two functions:

1. The search remains in force for six months and during this period a continuous search is made from the date the search commenced. If a grant of representation is issued within this period, the applicant (the person entering the standing search) will automatically be sent a copy through the post.
2. A search is made of the grants of representation issued in the 12 months before the standing search was entered. If a grant was issued in that period a copy will be sent through the post together with a will, if there was one.

Procedure for entering a standing search

A standing search form must be completed, a precedent is set out below. Alternatively a form can be obtained from any District Probate Registry, Probate Sub Registry, or the Principal Registry. All of the details on the form must be completed. **Note: If incorrect details are provided it is very unlikely that the search will be successful.** The form can be completed by hand, or if need be written out by hand.

The completed form should be delivered by hand or sent in together with a fee (currently £5.00) to either:

- a) Probate Registry
Principal Registry of the Family Division
First Avenue House
42-49 High Holborn
London
WC1V 6NP

Or

- b) Any District Probate Registry or Probate Sub Registry.

[Cheques should be made payable to “HMCS”).

As stated above, the search remains effective for a period of six months from the date it was entered. It therefore needs to be renewed in the month before it is due to expire. In order to renew it you will need to write a letter requesting to the address shown on the letter requesting to renew the standing search, quoting the standing search number and the deceased’s full name. Send the letter to the Probate Registry with a renewal fee of £5.00. Note always check the current court fees – visit www.hmcourts-service.gov.uk and enter “Court fees” in the search box at the top right. Make sure that you allow sufficient time when posting for it to be renewed before the expiry date. If you need any assistance then we would be happy to help.

*A grant of representation is a document issued by the High Court to the administrators or executors of an estate which gives them authority to gather in the assets and deal with the estate.

Standing search form.

IN THE HIGH COURT OF JUSTICE

FAMILY DIVISION

District Probate Registry

In the Estate of _____ Deceased

I apply for entry of a standing search so that there shall be sent to me an office copy of every grant of representation in England and Wales in the estate of:

Name:
(Full name of the deceased [forenames & surname] including any names by which the deceased was known and the name in which the death was registered)

Address:
(Last permanent address)

Exact date of death:
(or a range of dates if the exact date is not known)

Which either has issued not more than 12 months before the entry of this application or issues within six months thereafter.

Signed:
Name in block letters:
Address:
Reference:

Procedure for carrying out a general search

You can either attend at the Record Keepers Department – see the Court Service website for further details.

More usually write to York Probate Sub Registry
1st Floor
Castle Chambers
Clifford Street
York
Y01 9RG

The letter should provide the following information:

- full name of the deceased;
- date of birth;
- last permanent address;
- date of death;
- the current fee is £5.00 – cheque made payable to “HMCS”. If you wish a search to be made for a period of more than 4 years an additional fee of £3.00 is payable for each period of four years after the first four years.

Or visit the Court Service Website at www.hmcourts-service.gov.uk and complete Form PAIS. With the form are notes in respect of fees and conditions of service.

NOTE: Our fact sheets are intended as general guides only. Each case turns upon its facts and legal advice should be sought upon those specific facts.

If we can be of any further assistance, please do not hesitate to contact:

Robert Weston

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