

Preventing a grant of probate being obtained: the use of a caveat



We are often approached about the steps that someone can take to prevent an estate being distributed where there is a real concern over the validity of the deceased's will. Typically, personal representatives will require a grant of probate of a will (or letters of administration if the person died without making a will) ("a grant") before they can collect in and distribute the assets of an estate. One means of preventing personal representatives from obtaining a grant is the entry of a caveat.

How do you enter a caveat?

A caveat is made (entered) by completing a short application and filing it to the Probate Registry with a fee (currently £20). Once lodged, a Grant cannot be issued until the caveat has been removed or has expired (after six months unless renewed).

When is a caveat not appropriate?

Caveats should only be entered against an estate where there is doubt about the validity of the deceased's will or where there are issues with the suitability or eligibility of the person applying for the grant. A caveat should not be used, for example, if someone has received less than they expected under what they consider to be a valid will. The person who enters a caveat in those circumstances may face penalties as a result.



Is a caveat enough?

Some institutions do not require a grant before transferring assets to personal representatives. Therefore, a caveat will not necessarily prevent a bank from releasing funds to potential personal representatives, so steps should be taken to contact the necessary bodies to notify them if there are concerns about the validity of the will under which the personal representatives are appointed.

Next steps

If you have concerns about the [validity of a Will](#) and want to discuss whether it is appropriate to enter a caveat, please [get in contact](#) with us.