

Why are contested probates on the rise in the UK?

Over the years we are starting to see a rise in the number of wills being disputed, these are mainly due to complex family structures in today's society. Which are the result of re-marriages, cohabitation as well as families living apart. This in turn causes families to have reduced contact with each other and in some cases cause people to be removed from wills due to a lack of contact. Alongside this is the issue that beneficiaries can also be left disappointed with what they have inherited which causes conflict between family members.

Another key contributor to the rise in contested probate has also been 'home made wills', which would (at times) contain ambiguity or lack clarity, these in turn lead to arguments which in turn lead to contentious probate, other than the costs this incurs it also leaves a lot of distress for the deceased family who are already going through grief. There is also the notion that the general population have become increasingly aware of their legal rights and their ability to bring a claim if for instance the deceased was not of sound mind when making the will which brings the fact that the population is also aging¹ which presents opportunities to challenge wills.

Controversially, some of the claims being made are under the **Inheritance (Provision for Family and Dependents) Act 1975**. This act allows the court to vary the estate that is distributed. These are typically brought where the "expected to inherit receives nothing because the deceased died intestate, or because they have been left out of the will entirely."²

These issues together and individually have in turn lead to a high number of contentious probate cases going to court and one can only imagine how many are being settled outside of court. However, one thing is for certain that contentious probate isn't slowing down and looks more likely to continue to grow in the United Kingdom.

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¹ <https://www.wrighthassall.co.uk/knowledge/legal-articles/2017/07/03/rise-contested-wills/>

² <https://www.lawgazette.co.uk/features/family-trials-and-tribulations/5065030.article>