



A register of wills would be good start in modernising our outdated probate process

CHARLIE WESTON



ANYONE who has ever tried to trace a lost will can testify to the fact that it can be a difficult process. Some relations of a deceased person can spend months trying to track down a will, adding to the distress of dealing with bereavement.

On other occasions where no will is found, probate can go ahead only with the potential for it to be revoked in the future if the will is located. This is all exacerbated by lengthy probate delays which can go on for a year-and-a-half.

A report from the European Network of the Registers of Wills Association from 2010 called out Ireland as the only country that has

not made any progress in this area.

Now, insurer Royal London wants the Government to set up a register of wills to make it easier to locate one and says it can often be difficult to locate a will of a relative or a friend. Solicitors put an advert in the *Law Society Gazette* if they cannot find a will. There needs to be an overhaul of the system, the insurance company said. An executive at the Irish operations of Royal London, Joe Charles, said his company had been examining the probate process in this country over the last two years.

It found what he said were significant inefficiencies within the system, which are leading to lengthy delays across the country

for families looking to settle the affairs of deceased loved ones.

Its investigations have found that while probate delays are a product of a complex process with insufficient resources, the lack of a centralised wills register is compounding the issue.

He added that those trying to locate a missing will can tell their solicitor who then contacts other local solicitors on their behalf to see if they are holding the will.

Alternatively, they can place an advertisement in the *Law Society Gazette*, which is published by the representative organisation for solicitors, and hope that whichever solicitor is holding the will sees the

advert, remembers the name of the client and comes forward.

Royal London said Ireland could model a wills register on the UK system which does not collect the specific details of a will, rather it simply registers its existence and tags its location.

The contents of the will itself can only be accessed when the person dies and will only be disclosed if the person searching for it has a legitimate interest and can provide a copy of the deceased's death certificate.

The processes around probate have not changed much since Dickensian times. It is high time we modernised the process, and a wills register would be a good start.