

Guildhall Chambers - Inheritance Act advices

(where the value of the estate is less than £300,000)

The Inheritance Act 1975 protects spouses (including former spouses), cohabitants, children and other dependents when a person dies without leaving sufficient money for the dependent's continued wellbeing. Our barristers can provide you with written advice on whether you continue to make a claim under the Act. Our barristers can also provide you with written advice when a person dies and you are a beneficiary of the estate, but someone else makes a claim under the Act.

Please note that not all of the property and estates team at Guildhall Chambers can act for you on a direct access basis, please refer to the Direct Access page on our website (at <http://www.guildhallchambers.co.uk/public-access.html>) or contact the clerks to see which barristers can act for you on that basis.

None of our barristers are authorised to conduct litigation on your behalf.

Timescales

Please read the general information on provided on timescales ('Do you have timescales for the services which you provide?') which is available in our transparency information because this will apply to this area of work. All barristers will aim to complete any written/or advisory services within 28 days where possible.

If you need any advice and/or representation on an urgent basis then please contact our clerks and where possible our barristers will aim to represent/advise you on that basis. If you wish to instruct a barrister to provide their services within a fixed timescale, then you will need to agree this with the barrister via their clerk when providing instructions.

Because claims under the Act must be made within six months of the grant of probate, we will aim to ensure that written advice is available to you within four to six weeks of instructions where possible.

An initial hearing would ordinarily take between a month and 4 months to be listed. A subsequent trial would again taking between 3 – 6 months following the first hearing date to be listed (this will depend on the length of the trial).

Fees

We will normally charge you a fixed fee advisory work on inheritance act cases where you instruct a barrister from Guildhall Chambers on a direct access basis.

A 'fixed fee' means that we will charge you a figure for the work which the barrister will not normally exceed. However in certain circumstances if further work is required not originally envisaged at the time that your fixed fee was provided or the circumstances of the case alter, then the barrister may be required to exceed that fee. However, we will aim to inform you if the fee provided is likely to be exceeded.

Please see below a range of **estimates** for the fixed fees involved in instructing barristers from Guildhall Chambers to act on a direct access basis in cases involving inheritance act advices. All fees **exclude** VAT (where applicable).

Property and Estates: Inheritance Act Advice

Junior Counsel	Written advice on your inheritance act matter (based on 4-10 hours of work)	Preparation of case, including meetings with you – Counsel cannot help with litigation (drafting of court documents) (based on 4-10 hours of work)	Full One Day trial Brief fee (including preparation, skeleton argument, travel (if required at half rate) and attendance at court	Refresher Fee (any additional days after first day in court)	Mediation
Over 15 yrs call	£1,000-£3,000	£2,500-£3,500	In the region of £5,000	In the region of £2,750	£3,500

Please be aware that we only have two members of the Property and Estates team who accept instructions on a Direct Access basis both of whom are of 20 + years experience

And hourly rates for advisory work

Junior Counsel	Hourly rate
Over 15 yrs call	£250-£300

Please note that these are estimates only and may not apply in the circumstances of your case. Please contact the clerks at Civil.Clerks@guildhallchambers.co.uk (or telephone on 0117 930 9000) for a more detailed estimate applicable to the circumstances of your case.

There will be certain factors which may increase the level of work involved, and therefore the fees which are likely to be charged. These factors will determine where the fee involved in your case will fall within the range of above fee estimates (if the fee falls within that range at all) and the number of hours involved for advisory work.

Those factors include:

- (i) The seniority of barrister required for your case. The more experienced the barrister (which is normally calculated on the number of years since they were called to the bar) the higher the likely level of fees to be charged.

- (ii) The number of papers involved in the case and/or the complexity of the factual issues involved.
- (iii) The time in which you require the work to be turned around and/or the services to be provided. More urgent work will often involve a higher level of fee (for example if this involves the barrister working over a weekend or prioritising your case over other work).
- (iv) The amount of time that your case will require the barrister to be in court.
- (v) The amount of travel time required for the barrister to get to and from court. Travel time is usually charged at half the barrister's hourly rate.
- (vi) The complexity of the legal issues involved.
- (vii) The significance of the case more generally, for example if the case has wider ramifications for the client generally and/or public or legal significance.

If you are concerned about the level of fees which may be involved in your case please inform the clerks at the earliest opportunity who will be able to discuss with the barrister how costs can be managed on the case. Please note that fee indications are (unless expressly agreed otherwise) not "caps", and if a barrister is required to do work on the case, then they will charge accordingly. We will always aim to inform you if the fees on the case are likely to exceed the fee quotes or estimates previously provided. The best way to manage the level of the fees is to discuss the circumstances of your case (including any issues regarding fees) with the clerks when initially seeking to instruct a barrister.