



NOTICE TO THE PROFESSION

The Acting Registrar of Probates has authorised the issue of the following notice.

Probate Office – Original wills stored in solicitors’ offices

The Supreme Court of Victoria has transformed the way it operates in response to the coronavirus (COVID-19). Further changes are now being made in response to the introduction of Stage 4 COVID-19 restrictions.

The Stage 4 public health restrictions require most legal practitioners to work from home. The Court is conscious that original wills may be stored at solicitors’ offices. In order to facilitate the continuing ability of Victorians to administer deceased estates during these times without the need for additional movement, temporary changes have been made with respect of applications for probate or administration.

In circumstances where an original will is stored at a legal practitioners’ office, an application may be submitted for probate or administration of the will as contained in a copy.

Such application must be supported by an affidavit of the legal practitioner that:

- Confirms the original will is stored at the legal practitioners’ office and the copy exhibited to the affidavit of executor or administrator is the same as the original; and
- Undertakes to file the original with the Probate Office within 14 days of the end of Stage 4 restrictions.

When filing such an application the affidavit of the legal practitioner must be uploaded on RedCrest-Probate as ‘Affidavit – original will unable to be produced’.

Any grant of representation issued in these circumstances will contain a limitation, and such limitation will be removed when the original will has been filed with the Probate Office.

For the sake of clarity, the requirement for the original will to be exhibited to the affidavit of executor or administrator is dispensed with in these circumstances, a copy of the will can be exhibited electronically, and the affidavit can be witnessed via audio-visual means in compliance with the provisions of Part 5A of the *Oaths and Affirmations Act 2018*.

Kate Price

ACTING REGISTRAR OF PROBATES

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