Private Client & Chancery

Legal Update | January 2026

Introduction

This legal update covers key aspects of private client and chancery work, including wills and probate, Lasting Powers of Attorney, trusts, and estate administration. It is intended for private client practitioners and professionals advising on these matters.

Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) is a legal document that allows a person (the donor) to appoint one or more people (attorneys) to make decisions on their behalf. There are two types:

Property and Financial Affairs LPA

This allows attorneys to make decisions about the donor's property and finances, including managing bank accounts, paying bills, collecting benefits, and selling property. It can be used while the donor still has capacity (if they choose) or only when they lose capacity.

Health and Welfare LPA

This allows attorneys to make decisions about the donor's healthcare, medical treatment, and daily care. It can only be used when the donor lacks capacity to make the specific decision. It can include decisions about life-sustaining treatment if specified.

Probate and Estate Administration

Probate is the legal process of administering a deceased person's estate. Key steps include:

- Locating and valuing all assets and liabilities
- Applying for a Grant of Probate (if there is a will) or Letters of Administration (if intestate)
- Paying inheritance tax (if applicable) and any debts
- Distributing the estate according to the will or intestacy rules

Inheritance (Provision for Family and Dependants) Act 1975

The Inheritance Act allows certain categories of people to apply to the court for reasonable financial provision from a deceased's estate if they believe they have not been adequately provided for. Applicants must fall within specified categories including spouses, former spouses, children, and dependants.

Useful Resources

- GOV.UK - Office of the Public Guardian
- GOV.UK - Probate application forms
- STEP - Society of Trust and Estate Practitioners
- Law Society - Wills and inheritance guidance
- HMRC - Inheritance Tax guidance

This document is for general information only and does not constitute legal advice.
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