



In the Supreme Court of Bermuda

A/50

21st February 2025

CIRCULAR NO. 4 OF 2025

TO ALL ATTORNEYS AND THE GENERAL PUBLIC:-

RE: UPDATE ON THE PROBATE DIVISION

This Practice Direction is issued further to Circular No. 29 of 2024.

Status of the Probate Division Generally

- (1) The Judicial Department has hired three individuals who have been tasked with assisting the Probate Division, and in particular addressing the backlog. Ms Tyasha Smith, a Consultant Assistant Registrar, joined the Department in September 2024. Ms Smith currently has oversight of the Division, and has been assisting with reviewing and processing all outstanding applications from 2010 to 2022, with an initial focus on 2022 applications. The Department has also employed a second full-time Administrative Assistant, and engaged a former employee (on a consultancy basis) to assist with reviewing and processing outstanding applications.
- (2) To ensure all outstanding applications are addressed, Ms Smith has personally reviewed (as to status), categorised, logged and then actioned (if necessary) over 900 applications. A new filing system has been put in place, and a revised electronic tracking system has been created, which displays every Probate application filed to date and its current status. There is now a more effective tool in place to track an application's status, answer queries, and assign tasks.
- (3) We can now report that one of the largest delays in processing applications to completion stems from awaiting a response to queries raised by the Courts and/or the filing of amended documents from Applicants or Attorneys. At present, a total of 253 applications (dating back to 2016) are currently listed as "pending" as we are awaiting a response or the filing of amended documents to proceed.

Department Objectives for 2023 – 2024 Applications

- (4) Given the directives set out in Circular No. 29 of 2024, applications filed in 2023 and 2024 were put on hold until December 2024 whilst we actioned all outstanding applications up to 2022. Having actioned all outstanding applications up to 2022, we are now processing 2023 applications.
- (5) A total of 199 applications were filed in 2023. 49 of those applications have been completed with grants being issued. There are a total of 56 applications that have been reviewed and are currently awaiting receipt of further information or the filing of amended documents to proceed. It is anticipated that the remaining 2023 applications requiring a review will have been actioned by the end of April 2025.
- (6) The Department will then begin processing all outstanding 2024 applications. A total of 193 applications were filed in 2024. 28 of those applications have been completed with grants being issued. There are a total of 12 applications that have been reviewed and are currently awaiting

receipt of further information or the filing of amended documents to proceed. It is anticipated that the remaining 2024 requiring a review will have been actioned by the end of July 2025.

- (7) We will continue to monitor our progress in processing outstanding applications. Should the need arise to employ more resources we will do so. The Registry will aim to issue a further circular in May 2025 to provide an update on the processing of 2023 applications.

Expedited Applications

- (8) Applications of an urgent nature that have been approved for expediting, will continue to be processed within three (3) weeks of approval being granted.
- (9) Please be reminded that it is the Acting Registrar and/or the Assistant Registrar who determines whether the application should be expedited and the request made for consideration **must** provide as much information as possible. As we are committed to eliminating the backlog by addressing applications in date order, requests to expedite an application will be carefully considered.

Stamp Duty

- (10) **With immediate effect**, the Probate Registry will no longer accept checks or other forms of payment for stamp duty. All Stamp Duty payments must be made to the Accountant General directly. This will ensure that the Department can utilize its administrative resources more efficiently by focusing those resources on processing applications to completion.

Probate Contact

- (11) As a reminder, please utilize the email address assigned to the Probate Division: probate@gov.bm to make contact with the Registry in respect of all queries relating to probate applications. **ALL** correspondence must include this email whether it is being sent to a specific member of the Estate Team or not.
- (12) If correspondence is not sent to this email, it may be overlooked and cause a delayed response. Emails that are sent to probate@gov.bm that are solely seeking an “update” of a filed application that has not been approved for expediting likely will not be responded to. Attorneys and members of the public must be guided by this Circular.

Dated the 21st day of February 2025



ACTING REGISTRAR

CC: The Attorney-General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates Court
Bermuda Bar Association
Legal Aid Office

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