

Helping you through
Administration of Estates
&
Grants of Probate



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What to do when someone dies

Step One – Register the Death

You will need to visit your local Registrar for Births, Marriages and Deaths, as the death must be registered within 5 days of the date of death.

(For information about the location of your local Probate Registry, you can look in your Yellow Pages or go to the website <https://www.gov.uk/register-a-death>.)

The Registrar will need from you the Cause of Death Certificate from the GP or hospital. (If the death has been referred to a Coroner, the Coroner will advise you what to do.) It may also be helpful for you to take the deceased's Birth Certificate if you have it, as you will be asked for the following information about the deceased:

- date and place of death
- name and surname of the deceased
- maiden surname, if the deceased was a woman who had married
- date and place of birth
- occupation
- name and occupation of husband, where the deceased was a married woman or widow
- usual address
- whether the deceased was in receipt of a state pension or benefits
- if the deceased was married, the date of birth of the surviving widow or widower

The Registrar will give you a Certificate for burial or cremation for you to pass to the funeral director, and also the Death Certificate. The Registrar charges for copies of the Death Certificate (£4 each in England And Wales), so you may wish to ask for only one or two copies, but a solicitor will usually give you certified copies for free if you need any further copies.

Step Two – Make funeral arrangements

If there is a Will, you should check whether any funeral arrangements were specified in the Will. If you do not have a copy of the Will the Executors will need to send a signed letter of authority to the solicitor holding the Will and ask that it be released it to you - the solicitors will only send the Will to the named Executors.

It may be that the deceased had a pre-paid funeral plan that will pay for the arrangements. If not, there is usually no need for a family member to pay for the funeral immediately as most banks and building societies will settle the funeral director's bill from any monies held in the deceased's account.

Step Three – House Insurance

If the deceased's property is no longer occupied, it is important to let the household insurers know this, so as not to invalidate the policy. If property is jointly owned, you may need to change the name on the policy by contacting the insurance company.

Step Four – Letting people know

If you intend administering the estate yourself you will need to contact the asset-holders immediately and send them a copy of the Death Certificate. **You should not now access the accounts** in the sole name of the deceased. Even if you used to operate an account under a Power of Attorney, this power comes to an end now and you should no longer use it to pay monies out.

For example, you may need to contact:

- banks,
- building societies,
- landlord,
- HM Revenue & Customs,
- pension companies,
- share registrars (if there are shares),
- National Savings (if there are Premium Bonds etc).

Ask them to let you know the balance on the account/any monies due or owing.

Once the asset holders have received a Death Certificate, **accounts in sole name will be frozen**. Any accounts in joint names will be transferred into the name of the surviving joint owner. The accounts should not now be accessed by you. Even if you used to operate an account under a Power of Attorney, this power comes to an end now and you should no longer use it to pay monies out.

If you are writing to insurance companies about life assurance policies you must send an **original** Death Certificate. Insurance companies no longer accept photocopies.

The deceased's home may also need to be cleared of furniture and other belongings so that it can be sold or handed back to the landlord. The Executors must ensure that particular items, such as jewellery, which are mentioned in the Will, are kept so that they can be given to the beneficiary specified in the Will. It may be that some items need to be valued by a professional valuer and could be sold.

The **Bereavement Register** is a free service designed to stop unwanted mail being sent to a deceased person. You can register by phoning 0207 089 6403 or visiting <http://www.the-bereavement-register.org.uk/> or complete the form attached to the folder in which the Registrar has placed the Death Certificates.

Step Five – Preparing a list of assets and liabilities

Use the information received from the asset holders and the valuations at Step Four above to produce a list of:

- the money held by banks and building societies,
- other investments, such as shares,
- the value of assets they owned at the date of their death (whether they have been sold or not).

Another list should be made of what amounts were owed by the deceased to other people (if any).

Step Six – Obtaining Probate

If there is not much money to collect in, the asset holders may be willing to release the balance of an account to the Executors just on the evidence of receiving the Death Certificate. This is often the case when the estate is £5,000 or less.

For estates larger than £5,000 or when there is a property to sell or transfer, a Grant of Representation is needed. If you are an **Executor** named in the Will you will apply for a **Grant of Probate** – if you are an **Administrator** (where the deceased did not leave a Will) you will apply for a **Grant of Letters of Administration** – see Definitions below.

This involves applying to the Probate Registry. You can do this by way of an Oath (which we can prepare for you) or by using form PA1 <https://www.gov.uk/wills-probate-inheritance>. The Oath or PA1 form are to establish that you are the correct

person (i.e. you are the Executor appointed in the Will or one of the closest relatives) to collect in the monies and administer the remainder of the estate.

If the estate is subject to Inheritance Tax this must be paid before you apply for a Grant of Probate/Administration. The calculations can become very complex – we can help you with this and you should contact us for further advice and assistance.

If the gross estate (assets before liabilities are deducted) plus the value of any gifts made within seven years before the date of death exceeds £325,000, (depending upon the date of death) then the estate may be subject to Inheritance Tax. Inheritance Tax is paid at 40% on all assets exceeding that allowance (currently £325,000).

There is no Inheritance Tax due if the money in the estate will be passing to a surviving spouse of the deceased although an HM Revenue & Customs Account will generally still be required.

If the estate is insolvent (more liabilities than assets), then special rules apply, which we will not go into here, but please do not hesitate to contact us for further advice.

If the estate has foreign assets i.e. bank accounts, holiday home, time share etc, then a different HM Revenue & Customs form may be required. You should seek professional advice if this is the case.

If the Probate Registry are satisfied that any Inheritance Tax due has been paid in advance and are happy with the other papers submitted to them they will issue the Grant of Probate/Administration.

Step Seven – Distributing the Estate

Once any outstanding bills have been paid, the Executors/Administrators will ensure that the estate is distributed in accordance with the terms of a Will if there is one or in accordance with the Intestacy Rules if the deceased did not make a Will.

Definitions:

Executor	This is the person appointed in the Will to deal with the administration of the person's affairs once they have died. They can apply for the Grant of Probate.
Administrator or Personal Representative	If there is no Will, this is known as Intestacy . A close relative usually deals with the administration and they are known as the Administrator or

	Personal Representative. They obtain a Grant of Letters of Administration.
Grant of Probate and Grant of Letters of Administration	These are the documents which you obtain from the Probate Registry. They are the evidence which you will need to send to asset holders, such as banks, so that they release the money to you. You will receive a Grant of Probate if you are an Executor and a Grant of Letters of Administration if you are an Administrator.

For information about Probate, you can visit the Government website at <https://www.gov.uk/wills-probate-inheritance> .

Our Services

If you do not want to administer the estate yourself you can always instruct us to act for you. Our fees will be met from the estate and can be paid when we have released some or all of the deceased's assets.

We have the knowledge and expertise to administer estates efficiently and cost-effectively.

We are happy to provide you with as much or as little help as you need to complete the administration process. We will keep you up-to-date with all progress made in the administration process and you will have peace of mind knowing that we can help you deal with things properly.

If an estate is not administered properly the Executors/Administrators could be held personally liable as they can be accountable to beneficiaries.

If you have any questions regarding administration of an estate please do not hesitate to contact Louisa Bromilow and she will be happy to assist you.

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