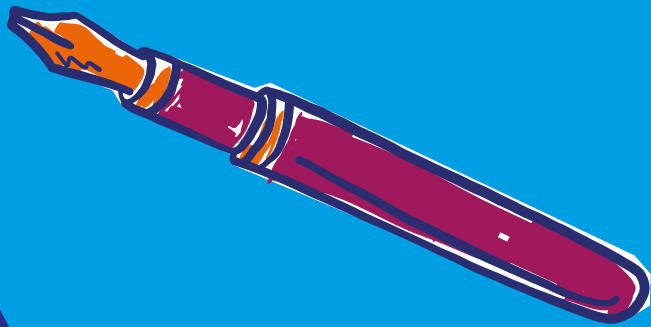


How to be an executor

What to expect and
key responsibilities



Information written with you in mind.

Our guides are produced with the help of older people, carers and expert peer reviewers.

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www.ageuk.org.uk/readers-panel

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What this guide is **about**

When someone you care about dies, sorting out legal things such as wills and estates may be the last thing on your mind, or it might be a welcome distraction.

However you're feeling, if someone has asked you to be the executor of their estate, there are things you need to do after their death.

This guide explains what those things are and where to find help if you need it. Unless the estate is a simple one, you might want to consider paying for professional help from a solicitor – but there's information about that later in the guide.



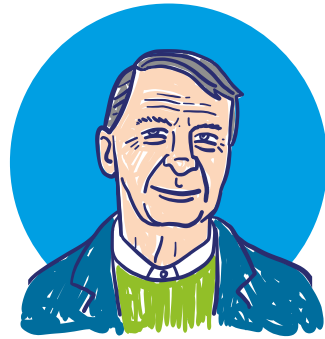
All of the information in this guide applies in England. This symbol indicates where it differs for Wales and Northern Ireland. If you're in Scotland, contact Age Scotland for advice.

If you're an executor, you might need to tell various organisations about the person's death – so before you get started, it might be worth making a note of services that make this easier.

The Tell Us Once service lets you report a death to most government departments in one go. You can also use the Death Notification Service and Life Ledger to notify organisations such as banks and gas companies. In Northern Ireland, contact the Bereavement Service. For contact details of these services, see pages 20-22.

“There was a lot to think about after my friend passed away. Taking things one step at a time helped.”

Norman, 73



Next steps

For more detailed information on the topics covered in this guide, see our factsheet **Dealing with an estate**. Or, for more emotional and practical support and advice that may be helpful following a death, see our guides **Bereavement** and **When someone dies**.

Deciding to be an executor

Being an executor can take up a lot of time and energy. Some people also find it difficult to deal with practicalities following a death, so think carefully before you agree to it.

What is an executor?

Anyone who makes a will must name one or more executors. An executor is legally responsible for carrying out the instructions in the person's will and handling their estate (their money, property and possessions).

Who can be an executor?

You can be an executor even if you're going to inherit something from the will. In fact, an executor is often a close family member.

The person making the will can appoint up to 4 executors so that the responsibility is shared – but all decisions must then be made jointly. Often, at least 2 executors are appointed, just in case one of them dies or is otherwise unable to carry out their duties. A family member and a professional (such as a solicitor) might act as executors together.

What do executors do?

- Make sure all property owned by the person who's died is secured as soon as possible after the death.
- Arrange the funeral – whether or not the will contains specific instructions to do so.
- Collect all assets and money due to the estate of the person who's died (including property).
- Pay any outstanding taxes and debts (out of the estate).
- Distribute the estate to the people who are entitled to it under the terms of the will.

Can I change my mind?

Once you've accepted the role of executor, you have options if you later change your mind:

- If the person who appointed you is still alive, talk to them so they can change the name of the executor in their will.
- If the person has died and you haven't yet started to deal with their estate, speak to the HMRC helpline for probate and Inheritance Tax enquiries (page 21) or to a legal professional. You may need to complete a Form of Renunciation.
- If you've already started to deal with the estate, you can't step down unless you have a good reason, such as ill health or a family emergency.



In Northern Ireland, the law automatically reserves your right to act as an executor of the estate later if you decide not to initially. If you prefer, you can choose to renounce it entirely. For more information, contact Age NI.



An executor's key duties

The tasks involved with being an executor can sometimes take months, or even years, to complete. This can seem daunting, but this section talks you through some of the key duties – though not all of them will necessarily be relevant to your situation.

The tasks associated with being an executor include:

- registering the death and getting a death certificate
- getting copies of the will
- arranging the funeral
- taking responsibility for property and post
- valuing the estate
- sorting out finances and any debts
- dealing with any assets
- paying any Inheritance Tax (IHT)
- applying for probate
- distributing the estate.



Good to know

A solicitor can help you with your role as an executor. You can find one by contacting the Association of Lifetime Lawyers (page 20) or the Law Society (page 22). You'll have to pay for the solicitor's help.

Registering the death

If necessary, register the death and notify the person's doctor. This isn't something an executor is required to do, but you may need to do it if there's no one else who can.

You might want to pay for multiple certified copies of the death certificate at this point, as it can be more expensive to request additional copies later.

Unless you're employing a solicitor to deal with the estate, you might need a copy for each company that holds money or other items of value that belonged to the person. These companies are sometimes known as 'asset holders' and often include the person's bank, insurance providers and landlord.

Getting copies of the will

The person who's died might not have told you in advance how they'd like their estate to be distributed, but this should all be outlined in their will.

Find out where their will is held and get the original (or a copy, if that isn't possible). You can search for a will online using the National Will Register or the Probate Registry (page 22). To access the will, you must provide a death certificate and proof of your identity. Any other executors must confirm they're happy for you to have the will.

Make copies of the will for yourself, any co-executors and the beneficiaries, and then put the original will away in a safe place. Don't tamper with the original or copies in any way (this includes removing or adding staples or paper clips).

Arranging the funeral

If the person who's died left instructions for their funeral, it's your responsibility as an executor to make sure these are followed where possible. That said, you don't have a legal duty to follow the exact instructions in the will.

For some executors, arranging the funeral can be a welcome distraction from their grief, but for others it can be difficult.

- Don't be afraid to ask family and friends for support – both practical and emotional. Many small tasks can be passed on to someone else to help with.
- If there's a funeral plan, contact the provider as soon as you can.
- When you receive an invoice for the funeral, you can take it to the person's bank or building society along with a death certificate, the will and your identification. You should either be given a cheque for the amount due, made payable to the funeral director, or the bank should pay the funeral provider directly (using their bank details on the invoice).
- Inform the person's family, friends and work colleagues of their death. You could put a notice with funeral details in the local or national newspapers, so people can attend if they wish.

“My siblings helped out a lot with arranging our mum's funeral. It made it a lot easier.”

Kiara, 38





Taking responsibility for property and post

It can feel strange taking responsibility for someone's property so soon after their death. It can bring up a lot of emotions – but if property of theirs is unoccupied, it's best to secure it and tell the insurers as soon as possible.

The estate itself may have to replace the person who's died as the policy holder, and the insurer may ask you to make regular checks on the condition of the property while it's unoccupied. You may have to get a new home insurance policy if the current one doesn't cover an empty property.

To stop postal deliveries of unsolicited marketing materials, contact the Bereavement Register (page 20).

Valuing the estate

You need to value the estate of the person who's died. Start by listing everything they owned at the time of their death. This includes property, possessions and money (minus any debts, such as a mortgage, loans and bills). The estate may also include assets held jointly with others.

It's important that you check how these assets were held to see if they form part of the estate. For assets such as property or land, you should get a professional valuation. HMRC recommends having items worth more than £500 valued professionally.

You don't need to value the property immediately after someone dies unless the estate owes Inheritance Tax (IHT) (see page 16). If it does, you must send any IHT forms to HMRC within a year and start paying tax by the end of the sixth month after the person died. You can make a payment before you finish valuing the estate.

If there's still IHT left to pay after 6 months (from the end of the month of death), the estate will be charged interest – so if you're able to, it's a good idea to pay all the IHT as soon as possible.



Good to know

You can report the value of the estate online at www.gov.uk/valuing-estate-of-someone-who-died.

Sorting out finances

You may need to send a death certificate to asset holders such as banks, building societies and insurance companies. You should also ask for any Direct Debits to be cancelled and find out the account balances and investment values on the date of the person's death.

- You should stop the payment of any salary, pensions and benefits to the person who's died. Tell the issuers of their credit cards, passport, driver's licence and TV licence about the death and follow their instructions.
- Request information on any debts and overpayments. Check through paperwork, looking for bills or statements. Contact the organisations that issued them, such as energy suppliers or the local council, to ask if the person who's died owed any money. If you think there might be more debts than assets, the estate might be insolvent. In that case, you should seek professional help before you do anything else.
- If you don't use the Tell Us Once service (page 22), contact the person's tax office to find out whether any other tax is owed – for instance, Income Tax.
- Collect any debts owed to the person who's died.
- Some banks offer an executor's account into which you can transfer any money paid to the estate. This stops money from the estate getting mixed up with your personal finances, which is something that should always be avoided.

- Before you distribute the estate, you must pay any outstanding tax, debts or bills. It's a good idea to place a 'statutory notice for creditors' in the press, allowing at least 2 months for any claims to be made. If you don't, you and any other executors are personally liable for any claims that arise later on. If you place the notice, any future claims against the estate are made against the beneficiaries instead.
- Get clearance from HMRC for any Inheritance Tax (IHT), Income Tax or Capital Gains Tax liability.



Good to know

Some probate specialists recommend waiting 10 months from the date that probate is granted before distributing the estate to allow for any claims to be made – otherwise, you and any other executors may be personally liable. See our factsheet **Dealing with an estate** for more information.

Dealing with any assets

Depending on the person's circumstances, there could be a range of assets to deal with after their death.

Joint accounts

Normally, any money held in a joint account automatically transfers to the surviving joint owner. Send a death certificate to the bank so that it can update its records. The share that belonged to the person who's died is included when calculating the value of the estate for IHT, but not in the estate value.

Jointly owned property

If the person owned property with someone as 'beneficial joint tenants', their share of it automatically passes to the surviving joint owner. The property itself doesn't form part of the estate, but the value of the person's share in it is included when calculating the value of the estate for IHT. If the person owned property with someone as 'tenants in common' instead, their share of the property doesn't automatically pass to the surviving joint owner – they have to pass it on in their will.

Pension schemes

If the person had a pension, contact the provider and supply them with a death certificate. Ask whether death benefits are payable and whether there's a pension for a spouse, civil partner or children. Confirm whether any money can be paid directly rather than forming part of the estate. If the money does form part of the estate, check whether the amount needs to be included in any IHT return.

Life insurance policies

If the person had a life insurance policy, contact the insurance company as soon as possible to find out what you need to do before it can pay out. Confirm whether any money can be paid directly rather than forming part of the estate. If it does form part of the estate, check whether the amount needs to be included in any IHT return.

Paying any Inheritance Tax

Inheritance Tax (IHT) may have to be paid on the estate if it's worth more than £325,000. If a house the person lived in is left to their children or grandchildren, the tax-free allowance on its value can potentially increase to £500,000. After that, the tax payable is 40%.

There's no IHT to pay on estates left to a spouse, civil partner or charity. If one partner dies and hasn't used their tax-free allowance, this can be passed on to the surviving partner, potentially giving them a higher threshold of up to £1,000,000 before IHT applies.

If there could be IHT to pay, get a professional valuation of high-value items such as a house or stock market investments, as HMRC need a detailed account with valuations. If the valuations aren't accurate, you may have to pay penalties. List any major gifts the person made in the previous 7 years, as these may be liable too.

You'll need 7 years' worth of bank and building society statements (covering 6 complete tax years) from each of the person's accounts.

Call the HMRC helpline for probate and IHT enquiries (page 21) to get an IHT form or download one online at www.gov.uk/government/collections/inheritance-tax-forms.

If necessary, you can arrange an executor's loan account with a bank to pay IHT. Sometimes the person's bank or building society may release money to pay IHT without requiring a loan arrangement.



Next steps

Apply for an IHT reference number from HMRC online at www.gov.uk/paying-inheritance-tax/get-a-reference-number. You'll need to get this reference number at least 3 weeks before you make a payment.

Applying for probate

A grant of probate gives you the legal right to deal with someone's estate.



You may not need one for a small estate (which is usually one valued at less than £5,000 in England and Wales, or less than £10,000 in Northern Ireland). In this case, contact the bank or building society of the person who's died.

To apply via post, you need to complete a PA1P form and the relevant Inheritance Tax (IHT) form. You may not need to complete an IHT form if the estate isn't liable to pay it. Call the HMRC helpline for probate and Inheritance Tax enquiries (page 21) to request these forms, then send them to the address listed on the PA1P form along with:

- an official copy of the death certificate
- the last original will and any codicils (a document outlining a small amendment to the will)
- the £300 fee plus £1.50 for each extra official copy of the grant (you'll need a copy for each asset holder).

Go to **www.apply-for-probate.service.gov.uk/start-eligibility** to apply online. You can pay online, and you'll need to send a copy of the will separately. You'll be asked how many copies of the grant you need.



In Northern Ireland, contact the Probate Office (page 21) to get the forms and arrange an appointment. Alternatively, go online at **www.nidirect.gov.uk/services/apply-probate**. A fee of £261 applies if the estate has a net value of more than £10,000.

When you receive a grant of probate, send official copies (issued by the Probate Registry) with instructions to asset holders. When the assets are released, pay the proceeds into the executor's account (except for anything that's been specifically passed on to someone).

You must pay any Inheritance Tax due before the grant of probate will be released by the probate registry (see page 16 for more information).



Distributing the estate

These are the main tasks involved in distributing the estate:

- If the will says that an item of personal property is to be given ('bequeathed') to someone, you can do this before probate is granted – but make sure you have the item valued and there are sufficient funds to pay any IHT from other assets.
- Once all the assets have been collected and all the bills have been paid, draw up estate accounts for each beneficiary. Estate accounts show details of all the money that's come in and out of the estate (including assets and debts) as well as the final amount to be distributed to the beneficiaries.
- Beneficiaries who are bankrupt may not be entitled to receive their inheritance from the estate. Carry out bankruptcy searches using the Individual Insolvency Register (page 22).
- Distribute the estate in accordance with the terms of the will, making sure at least 2 trustees are named for any gifts left to beneficiaries under 18. You may want to wait 10 months from the date that probate is granted before distributing the estate, in case any claims are made against it (see page 14).
- Give each beneficiary an R185 tax form for their share of estate income – call the HMRC helpline for probate and Inheritance Tax enquiries for more information (page 21). Keep clear records of your work, so you can answer any questions over how you administered the estate.



Next steps

See our guide **When someone dies** and our factsheet **Dealing with an estate** for more information.

Useful organisations

Age UK

We provide information and advice for people in later life through our Age UK Advice Line, publications and website.

Age UK Advice: 0800 169 65 65

Lines are open seven days a week from 8am to 7pm.

www.ageuk.org.uk

In Wales, contact Age Cymru Advice: **0300 303 44 98**

www.agecymru.wales

In Northern Ireland, contact Age NI: **0808 808 7575**

www.ageni.org

In Scotland, contact Age Scotland: **0800 124 4222**

www.agescotland.org.uk

Association of Lifetime Lawyers

Legal professionals who specialise in supporting older and vulnerable people, as well as their families and carers. You can search for a lawyer on their website.

Tel: **020 8234 6186**

www.sfe.legal

Bereavement Register

Registers the names and addresses of people who have died to help stop unsolicited mail.

Tel: **020 7089 6403**

www.thebereavementregister.org.uk

Bereavement Service

For reporting the death of someone receiving Social Security benefits in Northern Ireland.

Tel: **0800 085 2463**

www.nidirect.gov.uk/contacts/bereavement-service

Citizens Advice

Network of centres offering free, confidential, independent advice.

In England, call Adviceline: **0800 144 8848**

In Wales, call Advicelink: **0800 702 2020**

For online information and to find your nearest Citizens Advice:

In England: **www.citizensadvice.org.uk**

In Wales: **www.citizensadvice.org.uk/wales**

Cruse Bereavement Support

Provides information and support to people who have been bereaved.

Tel: **0808 808 1677**

www.cruse.org.uk

Death Notification Service

Allows you to notify a number of financial organisations of a person's death at the same time – from banks to insurance companies.

www.deathnotificationservice.co.uk/portal.ofml

HMRC helpline for probate and Inheritance Tax enquiries

For information about taxes, including probate, Inheritance Tax and trusts and deceased estates.

Tel: **0300 123 1072**

www.gov.uk/government/organisations/hm-revenue-customs/contact/probate-and-inheritance-tax-enquiries

In Northern Ireland, contact the **Probate Office**

Tel: **0300 200 7812**

Individual Insolvency Register

You can search the register for bankrupt beneficiaries.

Tel: **0300 678 0015**

www.gov.uk/government/organisations/insolvency-service

Law Society of England and Wales

Representative body for solicitors in England and Wales. You can find a lawyer via the search tool on their website.

www.lawsociety.org.uk

In Northern Ireland, contact the **[Law Society of Northern Ireland](#)**

Tel: **028 9023 1614**

www.lawsoc-ni.org

Life Ledger

Free service that lets you contact all the businesses connected with the person who's died – from banks and pension providers to social media.

www.lifeledger.com

National Will Register

Online register you can use to search for a will or confirm you have the most up-to-date version of a will.

Tel: **0330 100 3660**

www.nationalwillregister.co.uk/search-for-a-will

Probate Registry

Search the directory to find will and probate records for people who died after 1857.

www.gov.uk/search-will-probate

Tell Us Once

Lets you tell several government departments about a person's death at once – such as the DVLA and HMRC.

www.gov.uk/tell-us-once

Help us be there for someone else

We hope you found this guide useful. When times are tough, it's so important to get some support. You can help us reach everyone who needs us:

1

Tell us your story. If Age UK's information and advice has helped you, we'd love to hear about it. Email stories@ageuk.org.uk.

2

Donate to us. We rely on donations to support older people when they need us most. To make a donation, call us on **0800 169 8787** or go online at www.ageuk.org.uk/donate.

3

Volunteer with us. Our volunteers make an incredible difference to people's lives. Find out more at www.ageuk.org.uk/volunteer or contact your local Age UK.

4

Campaign with us. We campaign to make life better for older people, and rely on the help of our strong network of campaigners. Add your voice at www.ageuk.org.uk/campaigns.

5

Remember us in your will. A gift to Age UK in your will is a very special way of helping older people get expert support in the years to come. Find out more by calling **020 3033 1421** or visit www.ageuk.org.uk/legacy.

What should I do now?

You might want to read some of our relevant information guides and factsheets, such as:

- **Wills and estate planning**
- **When someone dies**
- **Bereavement**

You can find all of our guides and factsheets on our website, along with lots more useful information. Visit **www.ageuk.org.uk** to get started.

You can order free printed copies of any guide or factsheet by emailing **orders@ageuk.org.uk** or calling our Advice Line on **0800 169 65 65**. Our friendly advisers can also help with any questions.

All of our publications are available on request in large print and audio formats.

If contact details for your local Age UK are not in the below box, call Age UK Advice free on **0800 169 65 65**.



0800 169 65 65
www.ageuk.org.uk



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