

How to be an executor

What to expect and
key responsibilities



Information and advice you need to help you love later life.

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We are passionate about affirming that your later years can be fulfilling years. Whether you're enjoying your later life or going through tough times, we're here to help you make the best of your life.

Our network includes Age Cymru, Age NI, Age Scotland, Age International and more than 160 local partners.

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What this guide is about

If someone has asked you to be the executor (or ‘executor nominate’ in Scotland) of their estate after their death, you may be flattered but also wondering what you will have to do. Being an executor can involve a lot of work and responsibility, which may go on for months or even years. You should think carefully about whether you are willing to act as executor, or indeed whether you are able to.

The information in this guide is applicable across the UK. For more detailed information on the topics covered in this guide, see our factsheet *Dealing with an estate*. If you live in Scotland, see Age Scotland’s factsheet *Sorting out an estate when someone has died*.

As far as possible, the information given in this guide is applicable across the UK.

Key



This symbol indicates where information differs for Scotland, Wales and Northern Ireland.



This symbol indicates who to contact for the next steps you need to take.

What is an executor?

An executor is named in a will to handle a person's estate (their money, property and possessions) after they die.

Who can be an executor?

You can act as an executor even if you will inherit something from the will. The person making the will can appoint up to four executors, so you may share the responsibility with others.

What do executors do?

- collect all assets and money due to the deceased person's estate (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
- make sure all the property owned by the deceased person is safe and secure, as soon as possible after the death.

Executors can claim expenses from the estate for this work.

Solicitors can help you with your role as an executor. Find a solicitor by contacting the Law Society for your nation (see page 17). Age UK Enterprises Limited* also offers legal services, which are provided by the law firm Irwin Mitchell. Call Irwin Mitchell on 0800 055 6314 for more information. Subjects covered include wills, probate and powers of attorney.

**what
next?**

For more information, see our factsheet *Dealing with an estate*.

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An executor's key duties

There are a range of tasks you must carry out as an executor.

Register the death and get copies of the will

- If necessary, register the death and notify the family doctor. Consider how many copies of the death certificate to order, as they cost less if you ask for them when registering the death than if you request them later. Unless you are employing a solicitor to deal with the estate, you may need a copy for each company that holds money or other items of value that belonged to the person, for example, the bank, TV Licensing, insurance providers and landlord. These companies are sometimes known as asset holders.
- Find out where the most up-to-date version of the deceased person's will is held and get the original (or a copy if that isn't possible). You will need to provide a death certificate and proof of your identity. Any other executors must confirm they are happy for you to have the will.
- Make copies of the will for co-executors and beneficiaries and then put the original away in a safe place. Don't tamper with the original or any copies in any way (this includes adding staples or paper clips).

The Tell Us Once service

The Tell Us Once service (see page 17) lets you report a death to most government departments in one go. Staff at your local register office can tell you how to use this service. Once you've informed Tell Us Once, it will contact most of the relevant departments on your behalf, for example, the housing department, HM Revenue & Customs (HMRC), the Pension Service, HM Passport Office and the Driver & Vehicle Licensing Agency (DVLA).

Arrange the funeral and talk to family and friends

- If necessary, arrange the funeral. Check the will to find out if the deceased person had any funeral wishes. If they had a funeral plan, contact the provider immediately. See our free guide *When someone dies* for more information. When you receive an invoice for the funeral, you can take it to the deceased person's bank or building society along with a death certificate, the will and your identification. You will be issued with a cheque for the amount due, made payable to the funeral director.
- Inform family, friends and work colleagues of the death. You could put a notice in the local or national newspapers with funeral details so people know when it will take place and can attend if they wish.

Valuing the estate

If you are the executor, you will need to value the estate of the deceased person. Start with everything that they owned at the time of their death. This includes property, possessions and money, less everything they owed, such as mortgage, loans and credit card bills.

For assets such as property or land, you should get a professional valuation. HMRC recommends having items worth over £500 valued professionally.

For more information about how to value the estate, see our factsheet *Dealing with an estate*.

Apply for probate

i A grant of probate gives you the legal right to deal with someone's estate. It is called confirmation in Scotland.

i First, check whether a grant of probate is needed. You may not need one for a small estate (historically less than £5,000 but in practice sometimes more in England and Wales, or less than £10,000 in Northern Ireland). In this case write to the bank, building society or whoever is holding the money, and ask whether they will make a payment without receiving a grant of probate. In Scotland, the process of confirmation is different for estates worth less than £36,000.

To apply for probate, complete form PA1 and the relevant Inheritance Tax (IHT) form. Call the Probate and Inheritance Tax Helpline (see page 17) for more information and to get the correct forms. These should be sent to the local probate registry along with:

- an official copy of the death certificate
- the original will and three copies of it
- i** • the fee of £215 (£200 in Northern Ireland).
- i** In Scotland, contact your local Sheriff court (see page 17) for the correct forms and procedure, which will depend on the value of the estate. In Northern Ireland, contact the Probate Office (see page 17) to get the correct forms and arrange an appointment.

When you receive a grant of probate or confirmation, make several copies as you will need them for asset holders. Send an office copy (as issued by the Probate Registry) with instructions to asset holders. When the assets are released, pay the proceeds into the executor's account (except anything that has been specifically bequeathed).

You will need to pay any IHT due before applying for the grant of probate (see page 11 for more information).

Property and post

If there is an unoccupied property, secure it and inform the insurers immediately. The estate may have to replace the deceased person 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 to the property, contact the Bereavement Register (see page 16).

Finances

These are the main tasks you need to do when dealing with a deceased person's finances:

- Send an original death certificate to any asset holders, such as banks, building societies and insurance companies. Ask for direct debits to be cancelled, and find out all account balances and investment values at the date of the death.
- Stop the payment of salary, pensions and state benefits. Advise the issuers of credit cards, passport, driver's licence and TV licence of the death, and act on their instructions. The Tell Us Once service will help with contacting some of these departments (see page 17).
- Request information on any debts the deceased person had, and any overpayments made to them. Check through their paperwork looking for things like bills or statements, and contact organisations like energy suppliers or the local council to ask if the deceased person owed any money. If you think there might be more debts than assets, the estate might be insolvent, and you will need some professional help before you do anything else.

- If you don't use the Tell Us Once Service, contact the deceased person's tax office to find out whether any other tax, such as Income Tax, is owed.
- Some banks offer an executor's account into which you can transfer any money paid into the estate. This will stop estate money getting confused with your personal finances. Talk to your bank or the bank of the deceased person to see if they offer executor's accounts.
- Pay any outstanding tax and bills. You must pay any outstanding debts or bills before you can legally distribute the estate. It is advisable to place 'statutory notices for creditors' in the press, allowing two months for claims to be made. If you don't, you and any other executor(s) will be personally responsible for any claims that arise. If you put up the notice, any future claims will be made against the beneficiaries instead.
- Get clearance from HMRC for any IHT, Income Tax or Capital Gains Tax liability.

Distribute the estate

These are the main tasks for distributing the estate of a deceased person:

- If the will states a specific item of personal property is to be given ('bequeathed') to someone, you can do this before probate is granted, but make sure to value the items (see page 5 for more about valuing the estate).
- When probate has been granted, draw up estate accounts for each beneficiary, accounting for all the assets collected, income accrued and any bills paid.

- Carry out bankruptcy searches on the beneficiaries by searching for them on the Individual Insolvency Register. Visit www.gov.uk/search-bankruptcy-insolvency-register or call the Insolvency Service enquiry line on 0300 678 0015 to find out more. Beneficiaries who are bankrupt may not be entitled to receive their inheritance from the estate. In Scotland, see the Accountant in Bankruptcy at www.aib.gov.uk or phone them on 0300 200 2600.
- Distribute the estate in accordance with the terms of the will, making sure at least two trustees have been named for any gifts left to children under 18. You may want to wait at least six months after probate is granted before distributing the estate in case any claims are made against it. In Scotland, it is legally advised that you wait six months after the date of death before distributing the estate.
- Give each beneficiary an R185 tax form (ask the Probate and Inheritance Tax Helpline for more information) for their share of estate income. Make sure you keep clear records of the work you've done, so you can answer any questions or challenges over how you administered the estate.



There is no inheritance tax to pay on **gifts left to a spouse**, civil partner or charity.

Inheritance Tax

Inheritance Tax (IHT) may have to be paid on the estate if it is worth more than a certain amount. Most estates are below the threshold – currently £325,000 – so don't need to pay any IHT. There is no IHT to pay on gifts left to a spouse, civil partner or charity. If the deceased had a spouse or civil partner who died before them, their IHT threshold could be worth up to £650,000 (twice the current threshold).

If there could be IHT to pay, get a professional valuation on high-value items such as a house or stock market investments, as you will need to give HMRC a detailed account along with valuations. If the valuations aren't accurate, you may have to pay penalties. List any major gifts made by the deceased person in the last seven years, as these may be liable for IHT.

You can order an IHT form by calling the Probate and Inheritance Tax helpline, (see page 17) or download one from www.gov.uk/government/collections/inheritance-tax-forms. If necessary, arrange an executor's loan account with a bank to pay IHT. Sometimes the deceased person's bank or building society may release money to pay IHT without requiring a loan arrangement.

what next?

For more detailed information on valuing the estate and IHT, see our free factsheet *Dealing with an estate*.

Dealing with assets

Joint accounts

Normally, the surviving joint owner automatically owns money held in the account. Send a death certificate to the bank or financial institution so it can update its records. The value of the deceased person's share is included when calculating the value of the estate for Inheritance Tax (IHT).

Jointly owned property



If the deceased person owned property with another person as 'beneficial joint tenants' ('survivorship destination' in Scotland), their share of the property automatically passes to the surviving joint owner. The property doesn't form part of the estate, but the value of the deceased person's share is included when calculating the value of the estate for IHT.

Pension schemes

If the deceased person had a pension, contact the company and provide a death certificate. Ask whether death benefits are payable and whether there is a pension for a spouse, civil partner or children. Confirm whether any money will be paid directly to someone, rather than forming part of the estate. If the money does form part of the estate, check that the amount doesn't need to be included in any IHT return.

Life insurance policies

If the deceased 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 is payable directly to someone named by the deceased person, rather than forming part of the estate. If it does form part of the estate, check that the amount doesn't need to be included in any IHT return.

Debts

Collect any debts owed to the deceased person.

What if I change my mind?

Being an executor is a role for life – if any claims against the estate come up in the future, you will have to deal with them and you must carry out your duties correctly (see pages 4–9). Think carefully before accepting the role as it can be difficult to go back on your decision later. You won't be able to step down once you have started carrying out any actions as an executor.

If you have accepted the role but change your mind:

- before the person who appointed you has died: talk to them about your decision so they can change their will
- immediately after the person has died: speak to the Probate Registry (see page 17) or to a legal professional about your options
- after the person has died but before you've started to deal with the estate: you may need to complete a form of renunciation
- after the person has died and when you've started to deal with the estate: you cannot step down unless you have a good reason, such as ill health or a family emergency.



In Scotland, you can step down as long as you're not the only executor named in the will, in which case you have to appoint someone to take your place before you can resign. However, if you live in Northern Ireland, you can only appoint someone to act in your place if you are incapable of dealing with your own affairs.

If you have any difficulties with legal or financial issues, contact your local Citizens Advice (find them in your phone book or see page 16) or a local solicitor or financial adviser.

Useful organisations

Age UK

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

Age UK Advice: 0800 169 65 65

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

www.ageuk.org.uk

Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

In Wales, contact

Age Cymru: 0800 022 3444

www.agecymru.org.uk

In Northern Ireland, contact

Age NI: 0808 808 7575

www.ageni.org

In Scotland, contact **Age Scotland** by calling Silver Line Scotland: 0800 470 8090 (This is a partnership between The Silver Line and Age Scotland)

www.agescotland.org.uk

Appointing Age UK as executor

In some circumstances, Age UK can be appointed as executor. For more information please contact the legacies team on 020 3033 1421 or email legacies@ageuk.org.uk

The evidence sources used to create this guide are available on request. Contact resources@ageuk.org.uk

Bereavement Register

Register of names and addresses of deceased persons to help stop unsolicited mail.

Tel: 020 7089 6403

Tel: 0800 082 1230 (24-hour automated registration service)

www.thebereavementregister.org.uk

Citizens Advice

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

In Wales there is a national phone advice service on 0344 477 2020. It is available in some parts of England on 0344 411 1444. In Scotland, there is a national phone advice service on 0808 800 9060.

To find details of your nearest CAB check your phone book, or in:

England or Wales, go to www.citizensadvice.org.uk

Northern Ireland, go to www.citizensadvice.co.uk

Scotland, go to www.cas.org.uk

HM Revenue and Customs (HMRC)

For information about taxes, including Inheritance Tax.

Probate, Inheritance Tax and Trusts and Deceased Estates Helpline:

Tel: 0300 123 1072

National Insurance contributions office

Tel: 0300 200 3500

www.hmrc.gov.uk

Law Society of England and Wales

Representative body for solicitors in England and Wales.
Use the ‘find a solicitor’ search tool on their website to find a solicitor.

Tel: 020 7242 1222
www.lawsociety.org.uk

In Northern Ireland, contact: **Law Society of Northern Ireland**

Tel: 028 9023 1614
www.lawsoc-ni.org

In Scotland, contact: **Law Society of Scotland**

Tel: 0131 226 7411
www.lawscot.org.uk

Principal Probate Registry

Information and advice on dealing with an estate and contact details for local probate registries.

Tel: 0845 302 0900 (Probate and Inheritance Tax helpline)
www.justice.gov.uk/courts/probate

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

Tel: 028 9072 4678

In Scotland contact: **Scottish Courts and Tribunals Service**
(to get details for your local Sheriff court)

Tel: 0131 444 3300

Tell Us Once

Service which allows you to tell the government about a person’s death in order for their documents to be cancelled and benefits to be stopped.

www.gov.uk/tell-us-once