Factsheet 14

Dealing with an estate

August 2026

About this factsheet

When a person dies, somebody else must deal with their estate, collect their money, property and possessions, pay any outstanding debts, and distribute the estate to those entitled to it.

This factsheet provides general information for personal representatives about how to carry out their duties. It includes information on what you need to do if someone has not left a will.

You should seek professional advice from a specialist probate solicitor if you are unsure about dealing with an estate, as you can be personally liable if mistakes are made.

For information on making a will, see Age UK factsheet 7, *Making a will*.

This factsheet describes the situation in England and Wales. There are different rules for dealing with estates in Scotland and Northern Ireland. Please contact Age Scotland or Age NI for more information – see section titled Age UK for contact details.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisations* section.

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1 Recent developments

The fee for applying for probate increases to £526 with effect from 13 July 2026.

2 Find out if there is a will

The money, possessions, and property of a deceased person are called their '*estate*'. If they left a will, this should specify how their estate is to be distributed. They may have left other guidance in a '*letter of wishes*'. Before doing anything else, look for their will and any accompanying letter of wishes.

If you cannot find a will in their home, check if you can find a certificate of deposit, which is sent if the will is kept by the Principal Registry of the Family Division. Even without a certificate of deposit, it is worth checking with the Registry to see if they hold the will. If they died in a hospital or care home, check if the will was left with them. You can contact the person's solicitor, accountant, or bank to see if they hold the will.

Their will may be registered with the National Will Register, the Law Society's endorsed provider of a national will register and will search service. You can pay for a search of wills registered on their database.

2.1 If there is no will

If there is no valid will, the deceased person has died '*intestate*'. Laws known as intestacy rules govern how their estate should be distributed. Unmarried or divorced partners normally do not inherit anything under intestacy rules but see section 8.4 for when a claim might be possible in these circumstances. For more on the rules of intestacy, see section 9.

3 Dealing with the estate

3.1 If there is a will

The will should state who is responsible for dealing with the deceased's estate (the '*personal representative*'). When there is a will, the personal representative is called an '*executor*'. There may be more than one executor named. The executor's role is to locate all assets, pay taxes and debts, and distribute remaining money, possessions and property in accordance with the instructions in the will. A person named in a will as someone who is to benefit from the estate is called a *'beneficiary'*.

If the will does not name an executor, or they cannot act for any reason, there is a strict order in which the beneficiaries of the will can apply to the Probate Registry to be '*administrators of the will*'. If an executor does not wish to act, see section 8.6 for more information.

3.2 If there is no will

If there is no will, the personal representative is called an '*administrator*'. This is usually a close relative, in this order of priority: spouse or civil partner; children; parents; brothers or sisters; other relatives (depending on who is entitled to the estate). If any of these people die before the deceased, their children may apply.

An administrator must apply for a '*grant of representation*' before they have any authority to deal with an estate.

A grant of representation cannot be issued to someone under the age of 18. The partner of the deceased cannot apply if they were not married or in a civil partnership at the time of their death. If you are unsure whether you are entitled to apply, take legal advice, or complete and return the forms and the Probate Registry will let you know who can act.

3.3 How to apply for grant of representation

An executor is authorised by a will to administer an estate and can start acting immediately after the death of the person leaving the will. An administrator **must** usually take out a grant of representation **before** they can take any steps to administer an estate.

A grant of representation is a formal document that names the person who has died, and the person or people who are authorised to administer the estate. Where there is a valid will, the grant of representation is called a *'grant of probate'*. If there is no valid will or the executors are unable to act, it is called *'grant of letters of administration.'*

You can make an application personally, but there are circumstances when it is advisable to take specialist legal advice. For more information about applying for a grant of representation, see section 7.

3.4 When do you not need to apply for a grant of representation?

A grant of representation is almost always needed when the deceased's estate includes property or land held in their own name or jointly with another person as a '*tenant in common'* (when each owner has a distinct share that does not have to be passed to the other joint owner).

If the deceased's estate is worth less than £5,000, probate or letters of administration may not be needed. This is called a '*small estate'*.

To find out if assets can be obtained without a grant, you must write to each institution, e.g. bank, building society, etc informing them of the death of the owner and enclosing a copy of the death certificate.

You can ask for the bank to return the death certificate to you once they have added it to their records. Check what other evidence they require before they agree to release any assets. Take copies if you are asked to send any original documents.

Without a grant of representation, you may be asked by a bank or other financial institution to complete an indemnity form. This means you commit to reimburse them if it is proved that someone had a stronger claim to the assets than you, for example a valid will is later found.

Depending on the requirements of the individual institutions involved, you may find it is more straightforward to obtain a grant of representation. This can protect you from having to repay money if a person comes forward with a stronger claim on the assets at a later date. There is no Court fee if the estate is worth less than £5,000.

4 Things to think about if you do it yourself

Dealing with the administration of someone's estate can take many months or even years, depending on the complexity of their affairs. If you are considering doing it yourself, make sure you can cope with the demands on your time.

Whilst dealing with probate yourself can reduce costs, it means you must deal with a lot of paperwork and take on a lot of responsibility. You are legally responsible for meeting all legitimate claims (including tax) and there are no shortcuts.

If you fail to act correctly, you could be sued by one or more of the beneficiaries. If you go ahead without a legal advisor, it is a good idea to look at the online guidance on the government website at www.gov.uk/applying-for-probate

4.1 What happens if you take responsibility?

As an executor or administrator, you are legally responsible for:

- collecting the assets
- paying all liabilities, including tax
- correctly distributing the estate.

You are personally responsible for carrying out these steps correctly. You can take simple precautions to avoid making any mistakes, including advertising in a particular way in a local newspaper for creditors (people who are owed money from the estate), so you are not liable if someone turns up years afterwards making a claim on the estate. See section 8 for more on your responsibilities.

If you are not confident doing this yourself, consider using a specialist.

4.2 Family relationships

Unfortunately, family disputes do happen about who should take what assets, whether to sell assets quickly or hold out for a higher price.

Using a legal professional can reduce the risk of a dispute arising.

4.3 Complicated estates

There are circumstances when it is advisable to use a legal advisor with specialist experience in administering estates.

For example:

- the estate is over the Inheritance Tax threshold (£325,000 in 2026-27) and is not an exempt estate
- there are doubts over the validity of the will
- there is no will, the deceased was married with children, and left an estate worth over £322,000
- dependants have been left out of the will but may have a claim for support from the estate
- the estate has complicated arrangements such as assets held in trust
- the estate is insolvent or there are doubts about solvency of the estate
- the estate includes foreign property
- the deceased was domiciled outside the UK for tax purposes.

4.4 Finding a legal specialist

Many solicitors' firms offer administration of estate services. However, you do not have to use a solicitor. There are other companies offering these services. Most banks offer services to deal with the administration of the estate, as do some Trust Corporations. You can search for a solicitor on the Law Society website at https://solicitors.lawsociety.org.uk or see Age UK factsheet 43, *Getting legal and financial advice,* for more information.

4.5 How much do estate administration services cost?

Some probate specialists charge hourly rates, but others charge a flat fee calculated according to the value of the estate. Most specialists charge VAT at 20 per cent on their fees. Some charge both an hourly rate and a flat fee but this does not necessarily mean they are more expensive. The important thing is to shop around and compare quotes.

You may wish to make enquiries with several specialists to find the type of service and cost that suits you best. There are other expenses (such as the cost of applying for the grant of probate) which also must be paid. All these costs and expenses are usually payable out of the estate.

Law firms regulated by the Solicitors Regulation Authority (SRA) are required to comply with rules about transparency in price and service. The rules require all regulated law firms and individual solicitors to publish information on the prices they charge for certain services, including undisputed probate and estate administration services. Most SRA-regulated law firms publish this information on their website so you can be sure of how much you will be paying and what for.

5 How to work out the value of an estate

If you are responsible for managing someone's affairs after they die, valuing their estate is one of the first things you must do.

Start with everything they owned or owed at the date of death. This includes property, possessions, and money, as well as debts, mortgages, loans, and credit card bills.

5.1 Why you need to value the estate

You need to work out the estate's value for two reasons:

- to calculate the amount of Inheritance Tax, if any, that must be paid
- to arrange the distribution of the estate according to the will (or the intestacy rules if there is no will).

The value of the estate for tax reasons and the value for distribution reasons might not be the same.

5.2 How to value individual assets

You need to know the market value or realistic selling price of all the deceased's assets at the time of their death. This is likely to be the value the item may fetch if sold at auction or through a local paper.

For assets such as property or land or other high value items, you should get a professional valuation. For items like jewellery, paintings or other household goods, work out how much you would have got if they were sold on the open market. You can use online marketplaces to help work out their value. Keep a paper copy or screenshot in case you are asked to justify the value at a later date.

5.3 Valuing jointly owned assets

When working out the value of the deceased's share of a jointly owned asset, you must find out how it was owned. Assets can include cars, houses, and pieces of land owned with other people.

They may have owned property:

- as '***joint tenants***', in which case:
  - they have equal rights to the whole property
  - the property automatically goes to the other owner(s) if they die
  - they cannot usually pass on ownership of the property in their will
- ***as 'tenants in common'***, in which case:
  - they can own different shares of the property
  - the property does not automatically go to the other owner(s) if they die
  - they can pass on their share of the property in their will or through intestacy.

For the rules on other jointly owned assets, see the following sections.

5.3.1 Not sure if land or property was jointly owned?

If you are unsure whether property or land is jointly owned, you can find out from the Land Registry for a small fee. This shows the owners of registered property in England and Wales. This can be done online at www.gov.uk/search-property-information-land-registry

If the property is not registered, you need to see the deeds. The papers signed when the property was bought normally set out whether it is owned as joint tenants, or in separate percentage shares as tenants in common, if there are two or more names on the title.

5.3.2 Joint bank accounts

With a joint bank account, when one account holder dies, the surviving account holder usually inherits the deceased's share of the money and gains complete control of the account. These funds do not form part of the estate's value, regardless of what the will or intestacy rules say.

In the case of joint accounts owned between a married couple or partners in a civil partnership, no IHT is payable, regardless of the amount, due to spouse exemption rules. However, this is not the case for joint accounts owned between unmarried partners or between parents and children. HMRC usually treats account holders as owning a share of the funds proportionate to their contributions to the account for Inheritance Tax purposes.

If an account in joint names is held as trustees for another person (such as a child) or if money has been put into joint names for administrative purposes only, due care must be taken to determine what happens to that account when one party dies. If in any doubt about valuing a joint account, seek advice from a probate specialist.

5.3.3 Other joint assets

If the deceased person owned other assets jointly, you must work out:

- how the asset was held
- what proportion should be included in the estate.

5.4 What debts form part of the deceased's estate?

Outstanding debts or bills owed by the deceased at the date of death, such as credit card bills or loans, must be taken into account when valuing their estate. You can deduct a reasonable funeral bill. For debts owed jointly, including joint mortgages, joint credit cards, or joint loans, use the deceased's share of the amount outstanding.

A person's debts do not die with them. Care must be taken to ensure all debts are identified (including disputed debts) and repaid from the estate or another source such as insurance. If a debt is disputed, consider the merits of continuing to dispute it, as it can delay the final distribution of the estate and cost more than the value of the disputed debt.

5.5 What else forms part of the estate?

You must calculate the value of an estate, so HM Revenue & Customs can see whether Inheritance Tax is due. They need to know about certain gifts the deceased made in the seven years before their death. This includes information or circumstances that may affect the tax position of their estate, such as continuing benefits received from a trust.

5.6 What does not form part of the estate?

Life insurance money does not always form part of the estate as it can be '*written in trust'* or nominated to a specific recipient. Sometimes the insurance provider has specific rules governing who they will pay money to. The same can be true for death-in-service benefits if the person was employed when they died, or pension lump sum benefits. These are often paid to one or more nominated beneficiaries.

You can ask the life insurance or pension provider whether you need to include the value of any such payments in your calculation of the value of the estate.

5.7 Information about the estate

You must provide the following information when applying for a grant of representation, in relation to the value of the estate:

- the value of all assets owned by the deceased at the date of death, including foreign assets
- details of any money owed to the deceased or to their estate
- debts owed, including tax (income tax and capital gains tax) due to HM Revenue & Customs and pension overpayments
- details of gifts made up to seven years (sometimes 14 years) before the date of death, and
- whether the deceased was the beneficiary of any trusts.

Assets include the full market value of houses, flats or other property, the value of household goods, jewellery and belongings at the sum for which they could be sold, including assets held jointly with another person.

This enables you to find out if Inheritance Tax (IHT) is payable and if so, to make arrangements to pay it. If IHT is payable, the amount due must be paid before a grant will be issued. You must make all reasonable enquiries to obtain this information. If the deceased's debts outweigh the value of the assets, seek legal advice.

If you are having problems finding out about the deceased bank accounts or other assets, see www.ageuk.org.uk/information-advice/money-legal/debt-savings/how-to-trace-lost-money for guidance

You can use an online tool to find out if Inheritance Tax is due. See www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value

6 Inheritance tax

Inheritance Tax (IHT) of 40 per cent is payable on estates whose value exceeds a certain amount (or '*threshold*'). For the tax year 2026-27, the IHT threshold is £325,000.

Up to the threshold, the assets are not taxed and the allowance is called the *'nil-rate band'*. If the estate value is less than £325,000, the remainder of the unused nil-rate band can be transferred to a spouse or civil partner. See section 6.2 for more information.

Someone leaving a home, or the sale proceeds of a home, that they previously lived in to direct descendants (children, grandchildren etc) is entitled to an additional nil-rate band of up to £175,000. See section 6.1 for more information.

The amount inherited by a spouse or civil partner is usually exempt from IHT under the spouse and civil partner exemption rules. The situation is more complex if the survivor is not resident in the UK for tax purposes.

Details of the estate may need to be reported to HM Revenue & Customs (HMRC), depending on whether IHT is payable. This is done by filing an IHT Account that may be in long or short form depending on the size and nature of assets, and the identity of the beneficiaries.

Some estates are classed as an '*excepted estate'* in which case no IHT is payable. See section 6.5.3 or the HMRC website at: www.gov.uk/hmrc-internal-manuals/inheritance-tax-manual/ihtm06011

Note
IHT is a complex area. It is advisable to seek independent legal advice in most cases if you think it will apply to your estate, or you are administering an estate and IHT might be payable.

6.1 Additional nil-rate band

An estate may be entitled to an additional nil-rate band, called the *'Residence nil-rate band'* (RNRB) if:

- the person died on or after 6 April 2017
- they own a home, or a share of a home, that is included in their estate
- their direct descendants such as children or grandchildren inherit the home, or a share in it.

If the first person in a couple died before 6 April 2017, their estate could not have used any RNRB (as it was not available) so 100 per cent of their RNRB is available for transfer, unless the value of their estate exceeded £2 million.

The maximum amount of the RNRB is £175,000 in 2026-27.

Any unused RNRB can be transferred to the deceased person's spouse or civil partner's estate, even if the first person of the couple died before 6 April 2017.

The home left to direct descendants does not need to be the home the person lived in with their spouse or civil partner to qualify for the RNRB or to transfer it. It can be any home, as long as the surviving spouse or civil partner lived in it at some stage before they died and the home is included in their estate.

There is another threshold if someone sold or gave away a home after 7 July 2015, called a '*downsizing addition*', and rules for homes held in trust. This is a very complex area of IHT and it is advisable to seek independent legal advice on claiming the RNRB if you think it applies to an estate you are administering.

6.2 Transferring the Inheritance Tax nil-rate band

The IHT nil-rate band allowance is the value of assets in an estate on which IHT is not paid. Assets over the nil-rate band are taxed at 40 per cent, unless an exemption or relief from IHT applies. If part of a nil-rate band allowance is not used, the unused percentage can be transferred to a surviving spouse or civil partner's estate after their death.

For example, if 80 per cent of the nil-rate band is used on the death of the first spouse or civil partner, the remaining 20 per cent transfers to the estate of the surviving spouse or civil partner on their subsequent death. Both the nil-rate band and the additional residence nil-rate band can be transferred in this way.

Example
Ahmed dies leaving £162,500 to his children and the rest of his estate to his wife Farah. He uses £162,500 (50 per cent) of his nil rate band allowance. Everything left to Farah is exempt from IHT under the spouse exemption rules.

When Farah dies, the unused percentage nil-rate band of Ahmed will be added to her nil-rate band. Farah has her £325,000 allowance plus 50 per cent (£162,500) of Ahmed's unused nil-rate band. Her total allowance is £487,500. If her estate value is lower than this, no IHT is payable.

If someone outlives more than one spouse or civil partner, the unused nil-rate band of more than one deceased spouse or civil partner can be transferred, up to a maximum of an additional 100 per cent of the nil-rate band allowance applicable at time of the surviving spouse's death.

The transfer should be claimed within two years of the death of the surviving spouse or civil partner by their personal representatives using form IHT402. As well as completing the form, it is necessary to gather documentation about the value of the estate of the spouse or civil partner who died first to send to HM Revenue & Customs.

This includes copies of the IHT account relating to their estate, their will (if any), grant of representation, marriage certificate and valuations of assets at the time that they died. It is a good idea to collect this information on the death of the first spouse, if you are a personal representative, and keep it safe and for use when the surviving spouse or civil partner dies.

Example of Residence Nil-Rate Band transfer
If Ahmed died before 6 April 2017, his wife Farah can have 100 per cent of the unused residence nil-rate band transferred to her estate. If Farah dies during the financial year 2026-27, the total residence nil-rate band available to her estate is £350,000 (£175,000 plus 100 per cent of £175,000) if she leaves a home to her children. This is on top of the personal nil-rate band in the previous example of £487,500.

6.3 Gifts exempt from IHT

Gifts exceeding the value of £3,000 in any one year to other people are called *'potentially exempt transfers'*. This is because the value of the gift does not leave the person's estate ('*become exempt*') until seven years after the date the gift was made.

If the person dies within seven years of making a gift like this, up to the whole value of the gift must be taken into account when valuing their estate when they die. It is essential to keep careful records of any large gifts as HM Revenue & Customs may ask the personal representatives for evidence that no such gifts have been made.

If gifts made within the seven years immediately before a person died add up to more than the nil-rate band allowance, there may be tax payable by the recipient of the gift. Any such gifts also use up the nil-rate band allowance first, which can mean that there is no remaining nil-rate band to apply to the rest of the deceased's estate.

Gifts up to a total amount of £3,000 in each tax year are exempt from IHT straight away under the annual gift allowance rules. Any unused annual gift allowance can be carried over for one year only.

Small gifts to individuals of any description up to £250 each are also exempt. Wedding or civil partnership gifts of up to £5,000 by each parent or step-parent, £2,500 by each grandparent or great-grandparent, or £1,000 by other people are also exempt.

Some gifts from unused income are exempt, but this is a complex area of tax law so seek professional advice from a solicitor or an accountant.

Gifts to charities established in the United Kingdom, the main political parties, housing associations or for '*national purposes*', e.g. a museum or university, are exempt.

6.4 Relief from Inheritance Tax

Certain types of assets can be passed on free of IHT or with a reduced rate of IHT, including some types of business assets, agricultural property, woodlands, and heritage assets. Professional advice should be taken when administering an estate that contains these types of assets, as there are complex rules to satisfy.

If active service caused or contributed to the death of a member of the armed forces, their estate does not have to pay IHT. The estate does not have to pay IHT if a person was helping in an emergency that caused or contributed to their death and was on-call or on-duty as a member of the armed forces, the emergency services, or a humanitarian aid worker.

6.5 Does the estate need to be declared for IHT?

6.5.1 Inheritance Tax is due

You must declare full details of the estate if Inheritance Tax is due using form IHT400. To find out if IHT is due, use the online checker tool at www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value

6.5.2 Send full details of the estate's value even if no tax is due

You must send full details of the estate, even if no tax is due, using form IHT400 if the person who died:

- gave away over £250,000 in the seven years before they died (£150,000 if the person died on or before 31 December 2021)
- gave gifts and then continued to benefit from them in the seven years before they died
- left an estate worth more than £3 million (more than £1 million if they died on or before 31 December 2021)
- died on or before 31 December 2021 and had inherited part of the Inheritance Tax threshold from a previous spouse or civil partner
- was '*deemed domiciled*' in the UK (non-domiciled people who have been tax resident in the UK for 15 out of the preceding 20 tax years)
- had foreign assets worth more than £100,000
- was living permanently outside the UK when they died but had previously lived in the UK
- had a life insurance policy that paid out to someone other than their spouse or civil partner and also had an annuity
- had increased the value of a lump sum from a personal pension to be paid after their death, while they were terminally ill or in poor health
- had agreed that property they gave away during their lifetime would be part of their estate rather than pay a pre-owned asset charge.

If the estate includes trusts

You must complete a full account using form IHT400 if the deceased:

- gave gifts that were paid into trusts
- held assets worth over £250,000 in trust (£150,000 if the person died on or before 31 December 2021)
- held more than one trust.

You need to complete a full account if the deceased died on or after 1 January 2022 and assets held in trust passed to a surviving spouse, civil partner or charity and the trust was worth:

- £1 million or more
- £250,000 or more after the amount passing to the surviving spouse, civil partner or charity has been deducted.

6.5.3 When full details are not needed - 'excepted estates'

You do not have to give full details of an estate's value if **all** the following are true:

- the estate counts as an '*excepted estate*'
- there is no Inheritance Tax to pay
- you have checked that none of the reasons listed in section 6.5.2 apply.

Most estates are excepted estates. What counts as an excepted estate depends on whether the person died:

- on or after 1 January 2022
- on or before 31 December 2021.

If the person died on or after 1 January 2022

An estate is usually an excepted estate if any of the following apply:

- its value is below the current Inheritance Tax threshold
- the estate is worth £650,000 or less and any unused threshold is being transferred from a spouse or civil partner who died first
- the deceased left everything to a spouse or civil partner living in the UK or to a qualifying charity and the estate is worth less than £3 million (search the charity register for registered UK charities)
- the deceased was living permanently outside the UK (a '*foreign domiciliary*') when they died and the value of their UK assets is under £150,000.

You do not need to declare the value of the estate for IHT purposes, but you do need to calculate the gross, net, and net qualifying value when applying for probate.

If the person died on or before 31 December 2021

An estate is usually an excepted estate if any of the following apply:

- its value is below the Inheritance Tax threshold at the time the person died
- the deceased left everything to a surviving spouse or civil partner living in the UK or to a qualifying charity and the estate is worth less than £1 million (search the charity register for registered UK charities)
- the deceased was living permanently outside the UK (a '*foreign domiciliary*') when they died and the value of their UK assets is under £150,000.

Report the value of the estate to HM Revenue and Customs (HMRC) by completing form IHT205.

6.6 Arranging payment of IHT

In most cases, some or all of the total IHT liability must be paid before grant of representation is issued. Banks and building societies often release money for this directly to HMRC.

If there are insufficient cash savings to pay the amount due, it may be necessary to take a loan to pay IHT and probate court fees. The loan can be repaid from the estate after the grant has been issued.

Alternatively, the personal representative may be able to agree with HMRC that they will pay the IHT due when the grant of representation has been issued and investments or other assets can be sold.

IHT for houses or land may be paid by instalments over a period of ten years. Interest is charged on unpaid instalments and the whole amount becomes payable immediately if the house or land is sold during the ten-year period.

6.7 Deeds of variation

A deed of variation may be used to change the terms of a will (within two years of the date of death). One reason for this might be to reduce an IHT liability. All affected beneficiaries must agree to the changes. You should take legal advice to ensure the deed has the effect you want.

You do not need a formal document or deed - you can write a letter as long as it meets specific conditions. If the variation means there is more IHT to pay, you must send a copy to HMRC within six months of making it. You do not need to send a copy to HMRC if the variation does not change the amount of IHT due.

For more information, see www.gov.uk/alter-a-will-after-a-death

7 How to apply for grant of representation

The process of applying for a grant of probate or letters of administration is the same. You either instruct a legal advisor to deal with the matter on your behalf or make a '*personal application'* by post or online.

7.1 Application forms

For a personal application, the relevant forms are:

PA1P/PA1A - The probate application asks for details about the person who has died, surviving relatives, personal representatives, and details of the will if there is one (**PA1P**) or if there is no will (**PA1A**).

IHT205 - A '*return of estate information'* form asks for details of the estate and its value. Only for use for deaths occurring before 1 January 2022 where the estate is not liable for Inheritance Tax.

IHT400 - If the estate value is over the IHT threshold, or if directed when completing the IHT205, you should complete form **IHT400** ('*Inheritance Tax Account'*) and send this to HM Revenue and Customs.

Do not fill in an IHT205 and an IHT400 together. Do not send IHT400 with a probate application. If an IHT400 form is required, seek professional advice as the form is very complex, may require additional schedules, and needs to be completed accurately. Download copies of the forms at www.gov.uk/government/collections/probate-forms and www.gov.uk/government/collections/inheritance-tax-forms

Online

Go to www.gov.uk/applying-for-probate/apply-for-probate to apply for probate online. If applying online, you must send a copy of the original will by post to the Probate Registry. You can pay fees by debit or credit card if paying online.

Report the estate value at www.gov.uk/valuing-estate-of-someone-who-died/tell-hmrc-estate-value

By post

When all the forms are complete, send them to the address on the forms with the death certificate and original will (or any documents in which the deceased expresses wishes about the distribution of their estate).

It is advisable to send any documents by recorded delivery after making a copy of the will and other documents and keep copies in a safe place. The fee is £526 if the estate is valued at more than £5,000. You must enclose a cheque for the application fee.

You can pay for extra official copies of the grant of representation, which may be used to send to institutions in place of the original grant (an ordinary copy is not acceptable for this purpose). The fee for each official copy is £2 a copy if you request it with the application.

Note
Depending on your income and personal circumstances, you may not have to pay the whole application fee if it causes you financial hardship. Apply for remission or reduction of the fee using form **EX160**, available from Probate Registry or at www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees

7.2 Statement of truth

For a personal application, an interview is no longer required, but you must complete a '*statement of truth*' online or by post.

8 Distributing the estate

Once the application procedures have been completed and the Inheritance Tax and probate court fees paid, if no objections have been made to the application, the grant of representation is issued in the form of the grant of probate or letters of administration.

A statement of the gross and net value of the estate is contained in the document. The original copy of the will is kept by the Probate Registry at the Principal Registry of the Family Division and becomes a public document so anyone may obtain a copy of it.

You must then take the following steps:

- collect in the assets
- pay any funeral account, debts and outstanding expenses in strict order
- distribute the estate.

8.1 Collect in the assets

Except for very small estates, it is advisable at an early stage to open a separate bank or building society account, usually known as an '*executorship account'*, into which money due to the estate can be paid.

This prevents the estate's funds becoming confused with your personal funds and makes it easier to produce the necessary estate accounts. If using a solicitor to administer an estate, they often use their own client account to collect in funds due to the estate and produce estate accounts for you.

When the grant of representation is received, you must apply for the release of all assets belonging to the deceased, by sending a copy of the grant to each institution. Place money received in the executorship account. Assets include arrears of pensions, balances from bank and building society accounts, proceeds of sale of shares/property etc.

8.2 Paying any debts and outstanding expenses

When all assets have been received, any debts should be paid. If there is insufficient money in the estate to pay all the debts, seek legal advice before paying any debts. If you pay debts in the wrong order, you can become personally liable for any mistakes made. It is usually advisable to formally advertise for creditors, in case a debt arises after the assets have been distributed.

This is done by placing a notice in The Gazette at www.thegazette.co.uk/wills-and-probate/place-a-deceased-estates-notice and in a newspaper covering the area where the deceased last resided. Telephone 0333 200 2434 for more information. The notice should include the name of the deceased, the date of death, and the name and address of the personal representative to whom all claims should be sent, although you can pay for a PO Box.

A period of just over two months is normally allowed from the date of the advertisement for the submission of claims. Doing this protects you from personal responsibility, provided you are not aware of any claims before the estate is distributed. However, creditors can try to make a claim against the beneficiary directly in respect of funds received.

You may need to complete an income tax return and you should contact HM Revenue & Customs about this.

You are entitled to claim from the estate for *'out of pocket'* expenses such as copies of the grant, travel, etc, but not for time taken or for the work involved in administering the estate. A professional executor, such as a solicitor, will charge fees for their time spent on the work. Their fees are paid out of the estate.

It is important to note that settlement of debts and all administration expenses is the clear priority of the personal representatives before any distribution of the estate is made to the beneficiaries.

8.3 Distributing the estate

Once all taxes and debts have been paid and the costs of the funeral and administration settled, the estate can be distributed, either according to the terms of the will, or the rules of intestacy (see section 9). Prior to distributing the estate, you should prepare the estate accounts, setting out details of all the receipts and payments in the estate.

The estate accounts should also account for the difference in the value of an asset at the date of death and the date that you received it. For example, an asset may have increased in value, or interest may have been added to the final payment.

The accounts should preferably be approved and signed by you, as well as approved and signed by residuary beneficiaries where possible. The residue (remainder) of the estate may then be distributed, in accordance with the will or the rules of intestacy.

Personal Representatives should not pay money to a beneficiary who is an undischarged bankrupt. You can check the Individual Insolvency Register which has information about bankruptcies and insolvencies in England and Wales at www.insolvencydirect.bis.gov.uk/eiir

Give each beneficiary an *R185 (Estate Income)* form for their share of the estate's income. Try to obtain a signed receipt from each beneficiary when they get their share or bequest (for example, an artwork or piece of jewellery), as this forms part of the estate accounts and may save disagreement later. However, this is not mandatory.

Ensure two trustees are named for any gifts left to beneficiaries aged under 18. You may need to transfer a house or flat into the name of a beneficiary.

For more information, see www.gov.uk/update-property-records-someone-dies

8.4 Possible claims on the estate

The spouse, ex-spouse, partner, child (step-child in some instances) or someone who was financially dependent on the deceased, may be able to make a claim under the *Inheritance (Provision for Family and Dependants) Act 1975*, if they have been left without '*reasonable financial provision*'.

There are specific criteria that must be met for this type of claim to be successful. For example, an unmarried partner of the deceased seeking financial provision from the estate must have lived with the deceased for at least two years immediately before their death.

Usually, such claims must be made within six months of the grant of representation being issued, but the Court may allow later claims to be made. If this happens or there is a risk it might, seek legal advice.

There are other claims that can be made on an estate. For example, an allegation that the person who has died did not have sufficient mental capacity to make a will, or they were unduly influenced, or there was a lack of knowledge or intention to make the will.

The court has wide powers to make an appropriate order to resolve a dispute in any of these circumstances. For example, the court may order:

- a lump sum payment from the estate
- property to be transferred from the estate
- for a will to be declared invalid.

Should a claim be made on an estate that you are administering, it is important that specialist legal advice is sought as early as possible. It can be easier and less costly to deal with matters when they are at the early stages, than when a formal claim has already been issued.

8.5 Problems with executors or personal representatives

Sometimes, executors or personal representatives act inappropriately, or do not take actions, or disagree about how to proceed if more than one person is appointed to act. Seek professional legal advice from a solicitor if so, as you may need to involve the court to resolve such difficulties.

8.6 If you are an executor and you do not wish to act

You may not wish or may not be able to act as an executor, even though you have been named as an executor in someone else's will.

You can appoint another person to act as personal representative on your behalf. You need to complete a form to appoint someone else to act as an attorney, see www.gov.uk/government/publications/form-pa11-apply-for-power-of-attorney-will

It is important to note that you remain responsible for any actions your attorney takes on your behalf.

Alternatively, you might not want to act at all or appoint anyone else to act for you. Provided you have not already started to deal with the estate, you can '*renounce*' your role as executor completely.

You must complete a form to apply for a renunciation, see www.gov.uk/government/publications/form-pa15-apply-for-renunciation-will

Someone else can then apply for a grant of representation.

9 Intestacy

When someone dies without leaving a valid will, their estate must be shared out according to the '*rules of intestacy'*. The person who dies is known as an '*intestate person'*. Only people specified in the rules of intestacy are entitled to administer the estate of an intestate person and inherit from it, such as spouses or registered civil partners and children.

You can find more information at www.gov.uk/inherits-someone-dies-without-will

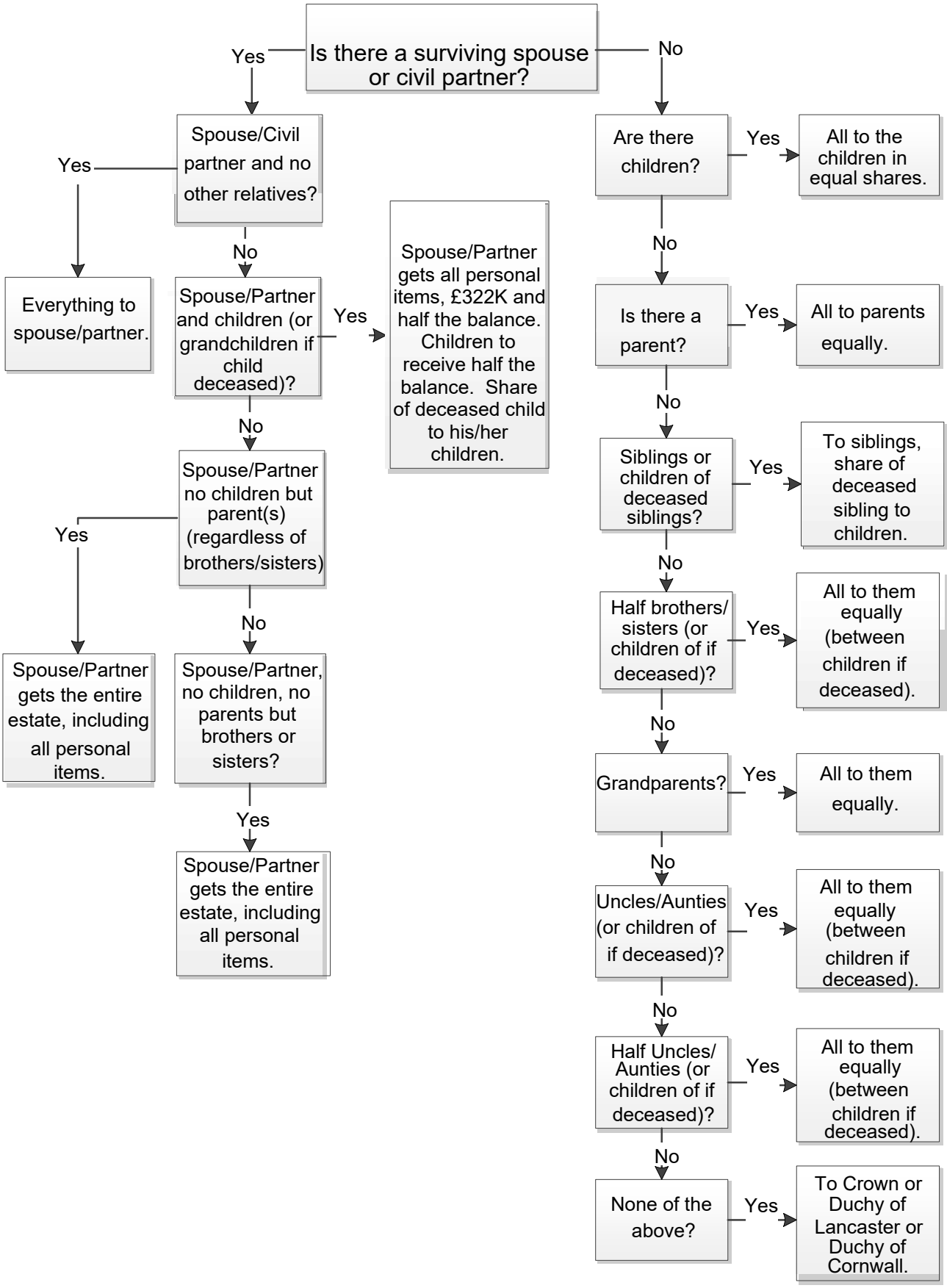
9.1 What are the rules of intestacy?

If a person dies without a will, or they leave a will that is not legally valid, the statutory rules of intestacy decide how the estate is shared out. There are rules about the priority of different family members.

The flowchart on the next page illustrates who inherits under the rules of intestacy. If a beneficiary has died during the lifetime of the intestate person but they have left children of their own, then those children are likely to inherit their deceased parent's share of the estate.

Note: references to '*civil partner*' and '*partner'* in the flowchart **only** apply to registered civil partners.

Intestacy Rules from 1st October 2014



9.2 Grandchildren and great grandchildren

A grandchild or great grandchild cannot inherit from the estate of an intestate person unless either:

- their parent or grandparent has died before the intestate person, or
- their parent is alive when the intestate person dies but dies before reaching the age of 18 without having married or formed a civil partnership.

In these circumstances, the grandchildren and great grandchildren can inherit equal shares of the share to which their parent or grandparent would have been entitled.

9.3 If there are no surviving relatives

If there are no surviving relatives who inherit under intestacy rules, the estate passes to the Crown. This is known as *bona vacantia*. The Treasury Solicitor is responsible for dealing with the estate. The Crown can make grants from the estate but does not have to agree to them.

If you are not a surviving relative, but you believe you have a good reason to apply for a grant, you should seek legal advice.

9.3.1 Rearranging how the estate is shared out

It is possible to rearrange the way property is shared out when someone dies intestate, provided this is done within two years of the death. This is called making a deed of variation. All the people who would inherit under the rules of intestacy must agree.

If all agree, the property can be shared out differently so people who do not inherit under the intestacy rules still get some of the estate. They can agree that the amount people get is different to the amount they would receive under the rules of intestacy. Changing the way an estate is distributed can affect whether there is any inheritance tax to pay.

If you think that the way the estate is shared out should be rearranged, you need legal advice.

9.4 Disclaiming your inheritance

If you do not wish to receive your inheritance, this is known as disclaiming it. If you disclaim your inheritance, you cannot redirect where it goes or suggest your own alternative beneficiary.

Your inheritance is redirected by the personal representatives in accordance with the appropriate rules about who can inherit.

If you want to redirect any inheritance you are entitled to yourself, you should seek advice about a deed of variation, as in section 9.3.1.

Useful organisations

Association of Lifetime Lawyers, The
www.lifetimelawyers.org.uk
Telephone 020 8234 6186

Network of solicitors, barristers, and chartered legal executives providing specialist legal advice for older people, their families and carers.

Citizens Advice
In **England**, go to www.citizensadvice.org.uk
Telephone: 0800 144 8848
In **Wales**, go to www.citizensadvice.org.uk/wales
Telephone: 0800 702 2020

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

Institute of Chartered Accountants in England and Wales, The
www.icaew.com/regulation/probate-services/probate-consumer-hub

Independent regulator and licensing authority approved by the Legal Services Board to accredit firms to provide probate services.

Joint Casualty and Compassionate Centre
www.gov.uk/guidance/joint-casualty-and-compassionate-centre-jccc
Telephone 01452 519951

Registration and administration of Military casualties, including estate support.

Land Registry
www.gov.uk/government/organisations/land-registry

Registers the ownership of land and property in England and Wales and has a search function for owners of property or land.

Law Society
http://solicitors.lawsociety.org.uk
Telephone 020 7242 1222

For details of solicitors in your area.

National Will Register
www.nationalwillregister.co.uk
Telephone 0330 100 3660

Register of wills.

Offices of the Official Solicitor and the Public Trustee
www.gov.uk/government/organisations/official-solicitor-and-public-trustee
Email enquiries@ospt.gov.uk

Government official who can be an executor if there is no-one suitable.

Probate and Inheritance Tax Helpline
www.gov.uk/government/organisations/hm-revenue-customs/contact/probate-and-inheritance-tax-enquiries
Telephone 0300 123 1072

Helpline that can answer questions on applying for probate and payment of Inheritance Tax and to order the relevant forms.

Probate Registry
www.gov.uk/find-persons-will
Telephone 020 7421 8500 or 020 7421 8509

Hold wills lodged for safe-keeping.

Solicitors Regulation Authority
www.sra.org.uk
Telephone 0370 606 2555

Provides details of solicitors in your area and assist if you need to complain about a solicitor.

Treasury Solicitor
www.gov.uk/government/organisations/bona-vacantia
Telephone 020 7210 4700

For information on *bona vacantia* estates.

Age UK

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

Age UK Advice
www.ageuk.org.uk
0800 169 65 65
Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice
www.agecymru.wales
0300 303 4498

In Northern Ireland contact

Age NI
www.ageni.org
0808 808 7575

In Scotland contact

Age Scotland
www.agescotland.org.uk
0800 124 4222

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