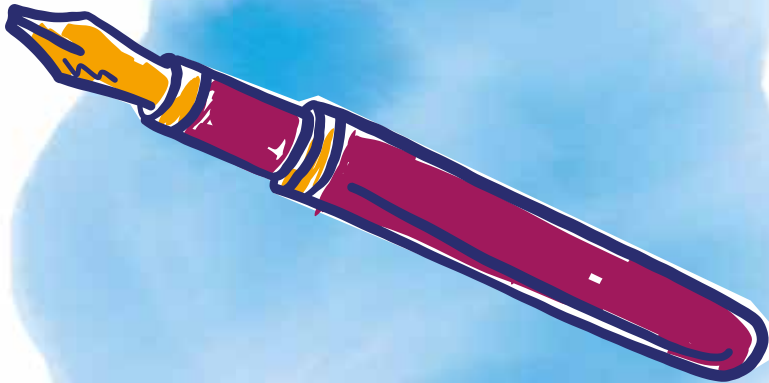


# How to be an executor



What to expect and  
key responsibilities

# Information written with you in mind.

This information guide has been produced with the help of older people, carers and expert peer reviewers.

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## What this guide is about

When someone you care about dies, sorting out the 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.

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**.



This symbol indicates where information differs for Wales and Northern Ireland. As far as possible, the information in this guide is applicable across the UK.

# Deciding to be an executor

Being an executor isn't easy. It can take up a lot of time, and some people find it difficult to think about practicalities following a death - so think carefully before you agree to it.

## What is an executor?

Anyone who makes a will must name at least 1 executor. 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 act as an executor even if you're going to inherit something from the will. In fact, an executor is often a spouse, child or other 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. A family member and a professional (such as a solicitor) might act as executors together. Often, at least 2 executors are appointed, just in case one dies or is otherwise unable to carry out their duties.

### 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 several options if you later change your mind:

- If possible, talk about your decision with the person who appointed you 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 23) 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.



If you live in Northern Ireland, you can only appoint someone to act in your place if you're not able to deal with your own affairs.

### Good to know



The Tell Us Once service (page 24) allows you to report a death to most government departments in one go, such as the Driver and Vehicle Licensing Agency and the Department for Work and Pensions. So, if you decide to take on the role of executor, the Tell Us Once service might come in handy.

You can also use Life Ledger (page 23) and the Death Notification Service (page 22) to notify businesses and organisations, such as banks and gas companies, of the death in one go. In Northern Ireland, contact the Bereavement Service (page 22).

# An executor's key duties

Being an executor can involve doing lots during a difficult period. The tasks involved can sometimes take months, or even years, to complete – so think carefully before you agree to take on the role. It may seem daunting, but this section talks you through some of the key duties – though not every duty below will be relevant to you and 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
- dealing with any assets
- paying any Inheritance Tax (IHT)
- applying for probate
- distributing the estate.

## Good to know



A solicitor can be especially useful in helping you with your role as an executor. Find a solicitor by contacting the Law Society (page 23) or Solicitors for the Elderly (page 24). You'll have to pay for the solicitor's help.

## Registering the death

If necessary, register the death and notify the person's GP. 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.

It's a good idea to pay for several certified copies of the death certificate at this point, as it's 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.

**“After my friend passed away, it was a tough time for everyone, but I made sure I registered the death.”**

Norman, 73







## Getting copies of the will

It can be difficult to talk about death, so the person who's died might not have told you how they'd like their estate to be distributed. But this should all be outlined in their will.

- Find out where the most up-to-date version of 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 (page 23) or the Probate Registry (page 24). 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 adding staples or paper clips).



## Arranging the funeral

If the person who's died left instructions for their funeral, it's your responsibility to ensure that, where possible, they're followed – although 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 and emotions, but for others it can be incredibly 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. You may also feel better if you talk to someone about what you're going through.
- 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 issued with 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 family, friends and work colleagues of the death. You could put a notice with funeral details in the local or national newspapers, so people can attend if they wish.

## Taking responsibility for property and post

It can feel strange taking responsibility for someone's property so soon after their death. It may trigger memories and bring up a lot of emotions – but if their property is unoccupied, it's best to secure it and inform 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, contact the Bereavement Register (page 22).



## Valuing the estate

You'll 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 17). If it does, you must send IHT forms within 1 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](http://www.gov.uk/valuing-estate-of-someone-who-died).



## Sorting out finances

You'll need to send an original death certificate to any 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 death.

- You should stop the payment of any salary, pensions and state benefits to the person who's died. Advise the issuers of their credit cards, passport, driver's licence and TV licence of the death and act on 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 deceased person 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 24), 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 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 what's called a 'statutory notice for creditors' in the press, allowing 2 months for any claims to be made. If you don't, you and any other executors are personally responsible for any claims that arise later down the line. 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

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

## Pension schemes

If the person who's died had a pension, contact the pension 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 to someone, 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 should be payable directly to a beneficiary, 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 person who's died.





## Paying any Inheritance Tax

Inheritance Tax (IHT) may have to be paid on the estate if it's worth more than the £325,000 threshold. If a house the deceased has lived in is left to their children or grandchildren, the tax-free allowance on its value increases 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, 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 on high-value items such as a house or stock market investments, as you 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 previous 7 years, as these may be liable for IHT.

Call the HMRC helpline for probate and Inheritance Tax enquiries (page 23) to get an IHT form or download one online at [www.gov.uk/government/collections/inheritance-tax-forms](http://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 deceased'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](http://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 that's valued at less than £5,000 in England and Wales, or less than £10,000 in Northern Ireland). In this case, write to the deceased person's bank or building society.

To apply via post, you'll need to complete a PA1P form and the relevant Inheritance Tax (IHT) form. However, you may not need to complete an IHT form if the estate isn't liable to pay this tax. Call the HMRC helpline for probate and Inheritance Tax enquiries (page 23) 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 £273 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](http://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 23) to get the correct forms and arrange an appointment. Or you can go online at **[www.nidirect.gov.uk/services/apply-probate](http://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 an official 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 for anything that's been specifically passed on to someone else).

You must pay any IHT due before applying for the grant of probate (see page 17 for more information).



# Distributing the estate

These are the main tasks involved in distributing the estate:

- If the will states 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 23).
- 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.
- 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 23). 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](http://www.ageuk.org.uk)**

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

**[www.agecymru.org.uk](http://www.agecymru.org.uk)**

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

**[www.ageni.org](http://www.ageni.org)**

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

**[www.agescotland.org.uk](http://www.agescotland.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](http://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](http://www.nidirect.gov.uk/contacts/bereavement-service)**

## **Citizens Advice**

National network of advice centres offering free, confidential, independent advice, face to face or by telephone. Website offers online information, and you can use it to search the details of your nearest Citizens Advice.

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

**[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)**

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

**[www.citizensadvice.org.uk/wales](http://www.citizensadvice.org.uk/wales)**

## **Cruse Bereavement Support**

Provides emotional support and information across England, Wales and Northern Ireland through local services offering face-to-face support and a national helpline.

Tel: **0808 808 1677**

**[www.cruse.org.uk](http://www.cruse.org.uk)**

## **Death Notification Service**

A free service that allows you to notify a number of financial organisations of a person's death at the same time – from banks to home and motor insurance companies.

**[www.deathnotificationsservice.co.uk/portal.ofml](http://www.deathnotificationsservice.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](http://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**

To search for bankrupt beneficiaries.

Tel: **0300 678 0015**

**[www.gov.uk/government/organisations/insolvency-service](http://www.gov.uk/government/organisations/insolvency-service)**

## **Law Society of England and Wales**

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

Tel: **020 7242 1222**

**[www.lawsociety.org.uk](http://www.lawsociety.org.uk)**

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

Tel: **028 9023 1614**

**[www.lawsoc-ni.org](http://www.lawsoc-ni.org)**

## **Life Ledger**

A free online service that allows families to contact all the businesses connected with the deceased from the same place and at the same time – from banks and pension providers to social media. You can set up an account on their website.

**[www.lifeledger.com](http://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/](http://www.nationalwillregister.co.uk/search-for-a-will/)**

## Probate Registry

An online directory you can search to find will and probate records for someone who died after 1857.

**[www.gov.uk/search-will-probate](http://www.gov.uk/search-will-probate)**

## Solicitors for the Elderly

National organisation that provides specialist legal advice for older and vulnerable people, their families and carers.

Tel: **0844 567 6173**

**[www.sfe.legal](http://www.sfe.legal)**

## Tell Us Once

Allows you to inform several government departments about a person's death at once – such as the housing department, the DVLA and HMRC.

**[www.gov.uk/tell-us-once](http://www.gov.uk/tell-us-once)**





† The Age UK network includes the charity, its trading companies and national partners (Cymru, Scotland and NI). We also work closely with local Age UKs. Age UK is a charitable company limited by guarantee and registered in England (registered charity number 1128267 and registered company number 6825798). The registered address is Age UK, 7th Floor, One America Square, 17 Crosswall, London EC3N 2LB.



# Help us be there for someone else

We hope you found this guide helpful. When times are tough, it's so important to get some support. Did you know you could help us reach someone else who needs a little help? Here's how:

1

## Give your views on guides like this

Our Readers' Panel helps make sure the information we produce is right for older people and their families. We'd love you to join. Go to [www.ageuk.org.uk/readers-panel](http://www.ageuk.org.uk/readers-panel).

2

## Donate to us

Every donation we receive helps us be there for someone when they need us. To make a donation, call us on **0800 169 8787** or go to [www.ageuk.org.uk/donate](http://www.ageuk.org.uk/donate).

3

## Volunteer with us

Our volunteers make an incredible difference to people's lives. Get involved by contacting your local Age UK or at [www.ageuk.org.uk/volunteer](http://www.ageuk.org.uk/volunteer).

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 to our latest campaigns at [www.ageuk.org.uk/campaigns](http://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](http://www.ageuk.org.uk/legacy).

## What should I do now?

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

- **When someone dies**
- **Bereavement**

You can order any of our guides or factsheets by giving our Advice Line a ring for free on **0800 169 65 65** (8am-7pm, 365 days a year).

Our friendly advisers are there to help answer any questions.

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

There's plenty of really useful information on our website, too. Visit **[www.ageuk.org.uk/legal-issues](http://www.ageuk.org.uk/legal-issues)** to get started.

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](http://www.ageuk.org.uk)**



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