

What to do When Someone Dies

a guide to your legal responsibilities

Roche Legal



About the author

‘We help clients just like you. Sorting out the legal aspects of bereavement is stressful and can seem overwhelming. We can help you navigate through it all and will do everything we can to make things that little bit easier at a difficult time.’

Rachel Roche is a specialist private client solicitor who, with the help of the Roche Legal team, provides expert guidance and advice on the sensitive issues of probate and the administration of estates. This includes advising families and executors on the various legal matters that arise following a death.

Rachel and her team are easy to talk to and set out to demystify legal jargon. They deal with issues in a practical and reassuring way.



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Introduction

When someone close to you dies, you will have a number of legal responsibilities. Managing these responsibilities can be daunting, especially at such an emotionally difficult time.

This guide has been put together to help you understand what you will need to do following a death. Here you'll find almost all the information you'll need during the first weeks and months of putting a loved one's affairs in order.

This guide will help you understand:

- What your first priorities are.
- How to register a death.
- Who you will need to tell.
- The practicalities of planning a funeral.
- What to do about the Will.
- What it means to administer an estate.
- How to apply for probate.

As a family member or close friend of the person who has died, you may be able to deal with many of the practicalities yourself. Solicitors often get involved after the funeral when it's time to administer the estate, though in some simple cases you won't need a lawyer at all.

You can choose to get in touch with a solicitor at any point in the process: after all, we're here to help. Which solicitor you choose to work with at this time is completely up to you. It doesn't need to be the same solicitor that the person who died usually dealt with or the solicitor that handled their Will. The only exception to this is if the Will has appointed a particular solicitor or firm of solicitors as professional executors. In these cases, you will need to notify the solicitor or firm in question at the same time as you notify any other named executors.



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2 First Priorities

- 2.1 Consider organ donation or medical research
- 2.2 Secure the person's home and possessions
- 2.3 Find the Will

First Priorities

There are a lot of practical things that need to be done when someone dies. There isn't a set order to do them in, but most of the following things will need to be addressed within the first few days.

Consider organ donation or medical research

One of the first things you will need to do is find out whether the person who has died left any instructions regarding organ donation or leaving their body to medical research. This is time sensitive, particularly in the case of organ or tissue donation which needs to be done as soon as possible after the death.

If your loved one has died in hospital, the doctor looking after them will be able to check whether they were on the NHS Organ Donor Register.

If you think the person who has died may have wanted to donate their body to medical research, you'll need to look for a consent form. This is often stored with important paperwork such as their Will. If you do find a consent form, you'll need to contact the relevant research institution and follow their instructions on what to do next.

Secure the person's home and possessions

If the person who has died lived alone, you'll need to make sure their home and any other possessions are secure. Someone should go to their house as soon as possible and take security precautions such as moving valuables out of sight, cancelling milk and paper deliveries, and locking windows and doors. All the person's possessions should be left in the house until they have been valued for inheritance tax purposes, unless there is a security risk.

It's important to check that the house and its contents are properly insured. You'll need to find details of any policies that are in place and contact the insurers to ask about the level of cover and whether they require any additional precautions to be taken now the house is no longer occupied.

If the person had a pet, you'll need to arrange for it to be cared for. If it's not possible for a friend or family member to do this, an animal rescue charity may be able to help.

Find the Will

At this early stage, the important pieces of information in the Will are:

1. Any instructions the person has left for their funeral.
2. The names of the individuals they have appointed as their executors.

Once you have confirmed who the executors are, you'll need to inform them of the death, if they don't already know.

If you are not listed as one of the executors, you'll need to hand over all paperwork and certificates you've gathered, as well as details of any arrangements you've made so far.



A close-up photograph of a person's hands writing on a document with a pen. The person is wearing a light-colored shirt. The document is white and has some faint text and a red line visible. The background is blurred, showing more of the person's shirt and hands.

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3 Registering the Death

- 3.1 Who can register the death?
- 3.2 How to register a death
- 3.3 What happens next?

Registering the Death

All deaths need to be officially recorded on the register of births, deaths and marriages. This has to be done within five days in England and Wales, and eight days in Scotland.

The only exception to this is if there's going to be an inquest. In this case, you will be given an interim death certificate by the coroner. Once the inquest has been completed, the coroner will liaise with the registrar to complete the registration.

Who can register the death?

Most deaths are registered by a relative. This may be the same person as the executor of the estate, but it doesn't have to be.

If this isn't possible, the task is usually done by an official from the hospital or care home, or by whoever is responsible for organising the funeral.

How to register a death

To register a death, you will need to meet with a registrar at the registry office of births, deaths and marriages in the district where the person died. You can find out where this is by contacting your local council or by visiting the [gov.uk](https://www.gov.uk) website.

At many registry offices you will need to make an appointment, so do check this in advance.

The registrar will need some details about the person and their death in order to complete the registration. You will also need to know whether the person is to be buried or cremated.

Make sure you are prepared with the following information:

- The person's full name.
- Any previous names.
- The date of death.
- The place of death.
- The person's occupation.
- The person's last address.
- Information about any benefits the person was receiving.
- The name, date of birth and occupation of the person's spouse or civil partner (whether they are living or dead).

Most of these details can be found on documents such as the person's birth certificate, marriage/civil partnership certificate, state pension book, benefits allowance book or deed poll documents.

What happens next?

The registrar will enter all the details into the register and ask you to sign it. They will then issue you with an official copy called a certified copy death certificate.

This certificate is important as you will need to send a copy of it to institutions such as banks, insurance companies and government agencies. You can get as many copies of the certified death certificate as you wish, but you will need to pay for them. How much they cost varies between local authorities, but you'll be able to claim back this expense from the estate. You may wish to buy a separate copy to send to each institution.

The registrar will issue you with a certificate for burial or cremation for you to give to the funeral director. They will also offer you the Tell Us Once service to inform government agencies of the death.





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4 Telling People

- 4.1 Who do you need to inform legally?
- 4.2 'Tell us once' service
- 4.3 Contact the solicitor

Telling People

When someone dies, there are a lot of people that need to be told. This includes family members, friends, neighbours, the executors of the Will, employers or employees, solicitors, service providers, landlords, financial institutions and government organisations.

Who do you need to inform legally?

You have a legal obligation to tell certain institutions and organisations about a death. Each one will need to see a certified copy of the death certificate.

Some of these institutions/organisations will require additional information or special actions. These are outlined on the following pages. **See following for services covered by Tell Us Once service*

Who to tell

- **Banks and building societies**
- **Department for Work and Pensions***
- **DVLA***
- **HM Land Registry**

Additional information or special actions

You will need to tell each bank or building society that the person held an account, loan or mortgage with.

You will need to contact the Department for Work and Pensions so they can make any necessary arrangements for any pension or benefit payments the person was receiving.

If the person held a driving licence, you will need to contact the DVLA to arrange to have it cancelled. If the person was the registered owner of a car, you'll also need to have the vehicle's registration documents changed.

If the person owned property, either in their sole name, or jointly with someone else, you will need to notify HM Land Registry in order to remove their name from the register or transfer it to someone else's.

○ **HMRC***

You will need to tell HMRC about the death so they can work out whether the person has paid the correct amount of tax. They may ask you to fill in a Self-Assessment tax return on the person's behalf. If the person received child benefit payments or tax credits, HMRC will also be able to cancel these.

○ **Housing Association or private landlord**

If the person rented their home from a housing association or private landlord, you will need to notify them of the death.

○ **Insurance companies**

You will need to contact all the insurance companies the person had a policy with. This could include home and contents insurance, financial insurance, car insurance, mobility scooter insurance, life insurance and medical insurance.

○ **Local Council***

You will need to contact the person's local council to tell the council tax office, to remove them from the electoral roll and to cancel any housing benefit or council tax reduction they received. If the person had a Blue Badge, you will need to return it.

○ **National Insurance Contributions Office***

If the person was self-employed or was paying voluntary NI contributions, you will need to contact the National Insurance Contributions Office.

○ **Office of the Public Guardian**

If the person had a Lasting Power of Attorney or a court appointed deputy then you will need to inform the Office of the Public Guardian.

○ **Passport***

If the person had a passport, you will need to return it to the HM Passport Office so it can be cancelled.

○ **Pension scheme***

If the person was paying into or receiving a pension from a scheme such as My Civil Service Pension, NHS Pensions, the Armed Forces Pension Scheme, a Local Government Pension Scheme or a private pension scheme, they will need to be notified of the death. If you do not know whether the person had a pension, you can use the pension tracing service on [gov.uk](https://www.gov.uk).

○ **Royal Mail**

If the person lived alone, it may be appropriate to contact Royal Mail to arrange to redirect their post.

○ **Utility companies**

If the person lived in a private home, all their utility providers will need to be told about their death. If the person lived alone, these utilities will need to be cancelled. If someone will still be living in the house, the accounts will need to be transferred into their name. This includes gas, electricity, water, broadband, phone, television and TV licensing.

○ **Veterans UK ***

If the person was receiving any Armed Forced Compensation Scheme payments, you will need to notify Veterans UK of the death.

'Tell Us Once' Service

Many local councils offer a 'Tell Us Once' service. In these cases, when you go to register the death, they will arrange to notify all the government bodies that are starred in the 'who to tell' table.

Your registrar will tell you if this service is available in your area. If so, they will either complete the process with you when you go to register the death, or they will give you a reference number to do this yourself over the phone.

If the 'Tell Us Once' service isn't available in your area, you will need to contact each organisation separately, including the Department for Work and Pensions bereavement service.

Contact the solicitor

If the person had a solicitor, you may need to contact them to find out about the Will and any other important documents they may have been storing on the person's behalf.



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5 Arranging the Funeral

- 5.1 Contacting a funeral director
- 5.2 Paying for the funeral
- 5.3 Legal requirements of a funeral

Arranging the Funeral

There are no strict rules on whose responsibility it is to plan the funeral. This is usually done by either close family members or the executors of the Will. In practice, close family members and executors are often the same people.

Many people choose to leave instructions for their funeral. These may be stored in a document with their Will, or they may have been passed on verbally.

If the person who has died has left instructions, you may wish to honour them. However, there is no legal obligation to do so, even if those instructions have been incorporated into their Will.

Contacting a funeral director

The first step in planning a funeral is usually to contact a funeral director.

If the person who has died had a pre-paid funeral plan, you will need to contact the funeral director who has supplied it. If they didn't have a funeral plan in place, you may wish to choose a funeral director who belongs to a professional association such as the National Association of Funeral Directors (NAFD) or the Society of Allied and Independent Funeral Directors (SAIF).

Funeral directors are typically available seven days a week. They will guide you through the process and handle all arrangements for the funeral.

It is not a legal requirement to use a funeral director and you may decide to arrange the funeral by yourself. If you decide to do this, the Natural Death Centre or the Cemeteries and Crematorium department of your local council may be able to help.

Once you have confirmed whether the person who has died is going to be buried or cremated, you will need to give the certificate for burial or cremation to the funeral director (or directly to the cemetery or crematorium if you are not using a funeral director).

Paying for the funeral

If you take on the responsibility of arranging a funeral, you are also taking on the duty of paying for it. In most cases you will be able to claim the money back from the estate once probate has been granted.

What if you're unable to pay?

If you're unable to pay for the funeral yourself and the person did not have a pre-paid funeral plan, there are a few other options to explore:

- Contact the person's bank to see if they will release funds to cover the funeral costs.
- Find out if the person had a life insurance policy and whether any money can be released from it.
- If the person had a job, talk to their employer about any money they might have been owed and whether this can be released.
- If you are in receipt of certain benefits or tax credits, you may be eligible for a funeral expenses payment from the government.





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6 The Will

- 6.1 How to find a Will
- 6.2 Do you have the right to see the Will?
- 6.3 Understanding multiple wills and codicils
- 6.4 What to do when there isn't a Will

The Will

Most people choose to try and locate a Will as soon as possible after someone dies. This is partly because the person may have left instructions for their funeral, and partly because it is important to know who they have appointed as their executors.

Executors should be informed of their role as soon as possible, as they may wish to take responsibility for the funeral and other arrangements.

Legally speaking, a Will isn't required until after the funeral, when you will need to start the administration of the estate.

How to find a Will

The first thing to do when searching for a Will is to look through the person's important papers. Hopefully you will find either a copy of the Will or details of the solicitor who is storing it.

If you can't find anything, you may need to carry out a Will search. You may wish to phone some local solicitors to see if any of them are storing the Will. If not, the closest relative of the person who has died (usually a spouse, parent, child or sibling) should contact a solicitor to help them carry out a more detailed national search.

Do you have the right to see the Will?

The only people who have a right to see a Will before probate is granted are the people who have been named as executors. If you are not an executor, the organisation who is holding the Will cannot allow you to see a copy without permission from the executors.

There are two exceptions to this: if you don't know who the executors are, the solicitor or bank who are holding the Will are allowed to tell you. They can also tell you if there are any notes with the Will regarding funeral arrangements.

Understanding multiple wills and codicils

In some cases, you may find more than one Will, or a Will that includes codicils. A codicil is an official alteration that has been made to the original Will, usually contained in a separate document.

If you find yourself in this situation and it is not clear which Will or codicils are valid, the best thing to do is to contact a solicitor for advice.

What to do when there isn't a Will

If the person who has died hasn't left a Will, or if you are unable to find it, you will need to seek specialist legal advice. The person's closest relative should contact a solicitor for assistance.

When someone dies without leaving a Will they have died 'intestate'. In these cases, there are laws called the intestacy rules that will govern how the person's estate should be dealt with. The rules will vary depending on the value of the estate and which family members the person has left behind.





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7 Administration of the Estate

- 7.1 Whose responsibility is this?
- 7.2 Assessing and valuing assets
- 7.3 Managing digital assets
- 7.4 Managing bank accounts and bills
- 7.5 Who is responsible for unpaid debts?
- 7.6 Inheritance tax

Administration of the Estate

In the months following a death, the executors will be involved in the process of administering the estate. Essentially, this is the process of winding up the person's financial affairs, paying off and closing all their accounts, and distributing their money and belongings among their beneficiaries.

During this process, you will need to gather as much information as possible relating to the person's assets and debts, including:

- Birth, marriage and death certificates.
- Birth, marriage and death certificates for any former spouses or civil partners.

- Bank statements.
- Insurance policies (including buildings and contents, vehicle, life, etc).
- Vehicle registration documents.
- Mortgage or loan statements.
- Credit card statements.
- Details of utility suppliers.
- Outstanding bills or invoices.
- Property deeds.
- Share certificates.
- Dividend vouchers.
- Hire purchase agreements.
- Tax returns.

- Payslips.
- Valuations of personal property (e.g. jewellery, art or furniture).
- Details of any money they were owed.

Once you have put together a full picture of the person's estate, you will be able to make sure all outstanding debts are paid, that anything that needs to be sold (such as vehicles or property) is done so, and finally that all remaining assets are distributed as the person wished.

Whose responsibility is this?

The administration of the estate must be carried out by the executors of the estate, often with the assistance of a specialist probate solicitor.

If there is no Will – or if the executors who were appointed are unable/have chosen not to act – a close relative of the person who has died will need to apply to the probate office to be appointed as the administrator for the estate.

The person who applies must be the most 'entitled' inheritor. This is usually a spouse or civil partner (including if they were separated from the person who has died), children (including legally adopted children but not step-children), grandchildren, great-grandchildren, parents or siblings.

Assessing and valuing assets

Depending on the kind of assets the person who has died owned, you may need to have them professionally valued. This is definitely the case for property, which often needs to be valued by an accredited RICS surveyor. It's likely that other types of valuable assets such as collections, antiques, art or jewellery will also need to be valued by a specialist such as an auctioneer.

Managing digital assets

It's becoming more common for people to leave behind a digital legacy. The person who has died may have had electronic assets such as digital files, photographs and social media accounts. If so, these can be of sentimental,

social and even financial value.

Financial assets can include:

- Paypal accounts.
- Online shopping accounts.
- Gaming or gambling accounts.
- Cryptocurrencies such as bitcoin.
- Seller accounts on sites such as Ebay, Amazon or Etsy.
- Popular social media accounts.
- Business websites.
- Digital artwork.
- Unpublished manuscripts/photographs/music recordings.

Social assets can include:

- Blogs.
- Social media accounts (including Twitter, Instagram, YouTube etc).
- Professional profiles.
- Online dating profiles.
- Personal websites.

Sentimental assets can include:

- Photographs.
- Emails.
- Videos.
- Voice recordings.

It is really important to consider digital assets during the process of administering an estate. Many of the digital assets the person has left behind will be of value to their loved ones, and it is important to ensure these can be accessed and saved. Of course, it's also important to ensure any assets of financial value are properly assessed, valued and distributed among beneficiaries.

The person's Will may include directions for accessing digital assets, along with instructions for what to do with them. The person might also have left a list of login details and passwords among their personal effects. If you're unable to find details of how to access the person's digital accounts and have reason to believe they may be of value, you may wish to contact a solicitor for advice.

Managing bank accounts and bills

Dealing with bank accounts and unpaid bills is a very important part of administering an estate. These tasks need to be dealt with formally as it is illegal to access the account of someone who has died without permission from the bank, even if you have access to their bank card or online banking account.

Bank accounts

When a bank is notified of someone's death, they 'freeze' all accounts in that person's sole name until probate has been granted. No one will be able to access funds from these accounts in the meantime. When a bank account has been frozen, any payments that would usually go out by standing order or direct debit will be refused. Joint accounts will not be frozen and you will not need to be granted probate to access the funds within them.

You will need to contact the bank to request an up-to-date statement during the process of assessing the estate.

Legal ownership of any joint accounts will usually be transferred automatically to the other account holder(s). This may not be in accordance with the person's wishes and in that instance you should seek legal advice.

Utility bills

If the person lived alone, all their utility accounts will need to be closed. In these cases, the utility companies will provide final statements for any outstanding credit or debt.

Any necessary payments can be paid from the estate once probate has been granted.

However, if someone is remaining in the house and utility accounts are remaining active, any bills will need to be paid when they are due. Usually the person who is remaining in the house will need to pay these bills themselves. If this is not possible, you may wish to speak to a solicitor or the Citizens Advice Bureau about your options.

Who is responsible for unpaid debts?

When someone dies, their estate is responsible for any bills or debts that are left behind. This also includes any inheritance tax that is due on the estate.

Debts will need to be covered from the estate before the remainder is distributed to the beneficiaries. Sometimes assets from the estate will need to be sold in order to cover the cost. For example, property often has to be sold by the executors after a death in order to cover either an outstanding mortgage on the property or the inheritance tax bill.

If there are not enough funds in the estate to cover all debts, or if a debt isn't discovered until after the estate has been distributed amongst beneficiaries, the executors can find themselves personally liable for debts. The best way to avoid this is to get advice from a solicitor right at the beginning of the process as they will be able to help protect you against any possible debts.

Inheritance tax

Inheritance tax is usually payable when a person's estate is worth more than £325,000. This threshold is called the nil rate band. The rate of inheritance tax is 40% on anything above the nil rate band, though the total amount can be reduced where certain exemptions and reliefs apply.

For example, if the person has left their home to their children (including adopted, fostered and step-children) or grandchildren, their threshold can increase to £500,000.

There is also a reduction in the amount of inheritance tax due if the person has left at least 10% of the net value of their estate to charity.

No inheritance tax is due if someone dies leaving their estate to their spouse or civil partner. They are also able to pass on any unused portion of their nil rate band threshold. This means that when the surviving spouse or civil partner dies, their threshold could be as much as £1 million.

The executor will be issued with an inheritance tax bill as part of the process of applying for probate. The full amount will usually be due at the end of the sixth month after the person has died. After this date, the government will start charging interest on the unpaid bill. However, in some circumstances it is possible to pay inheritance tax in instalments.



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8 Applying for Probate

- 8.1 When is probate needed?
- 8.2 How to get a grant of representation
- 8.3 How long does it take to get a grant of representation
- 8.4 What happens when probate is granted?

Applying for Probate

A Grant of Probate is a legal document issued by the Probate Registry. It confirms that the executors have the authority to administer an estate.

In cases where there isn't a Will, the person who has been appointed as the administrator will be issued a document called a Grant of Administration. Both these documents allow you to access and close bank accounts, sell property, pay debts, distribute funds and reimburse funeral expenses. They are collectively referred to as grants of representation.

When is probate needed?

Probate isn't always necessary, especially if you are dealing with a simple estate where no inheritance tax will be due.

To find out whether you will need to be granted probate, talk to the financial institutions where the person held accounts. If the balance of these accounts is under a certain amount (the threshold is usually between £15,000 - £20,000) they may allow you to access them without a grant of representation.

However, if the person who has died had assets above this threshold, or if they owned property, it's likely you will need to be granted probate in order to complete the process of administering their estate.

How to get a grant of representation

There are two ways to apply for probate:

1. Through a solicitor.
2. By doing it yourself.

When you choose to apply for probate yourself, you will need to complete two forms: form PA1 and an inheritance tax form (either IHT 205 for simple estates or IHT 400 for more complicated ones). These forms are available to download from [gov.uk](https://www.gov.uk).

If you think there will be inheritance tax to pay on the estate, it's often best to speak to a solicitor. The process can be complicated and you will usually need to pay for at least some of the tax before you can apply for a grant of representation.

Submitting your application

Once you've completed both necessary forms, you will need to send them to your local Probate Registry along with:

- A copy of the death certificate.
- The original Will and any original codicils.
- Your application fee of £215 if the estate is worth more than £5,000.

How long does it take to get a grant of representation?


The length of the process depends on how complicated the estate is and whether or not HMRC will need to get involved about inheritance tax. You will usually receive a grant of representation within eight weeks of sending in the application, though it could take significantly longer in more complex cases, especially if further documentation is required.

What happens when probate is granted?

When the grant is issued, the death certificate will be returned to you. The original Will and any associated codicils will be kept by the probate registry and will become a public record. Any additional copies of the grant of representation will cost £1.50 each.

Once you have your copies of the grant, you will need to send a copy to all the financial institutions that hold the person's assets. They will then release the funds either into an executorship account or to the solicitor who is acting for the executors.

The money in this account must be used to settle all the person's outstanding debts and pay any tax due on the estate before it can be distributed among beneficiaries. Beneficiaries must be given accounts that clearly explain how much money was in the estate and why they have received the amount that they have.



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9 Frequently Asked Questions

- 9.1 When do you need to seek legal advice?
- 9.2 How long will it take to get a loved one's affairs in order?
- 9.3 Do you have to do it all yourself?
- 9.4 What if there are disagreements after the death?

Frequently Asked Questions

When do you need to seek legal advice?

In straight-forward cases, executors may be able to deal with an estate without a solicitor. There is a lot of information available in books and online about how to do this, but it's important to remember that administering even a very simple estate can be very time consuming.

There are cases where it might not be possible to manage an estate yourself. This includes situations when:

- The executors don't have time to deal with the estate.
- There isn't a Will, or you can't find it.
- There's a disagreement about the Will.
- The Will is difficult to understand.
- The Will involves trusts.
- The executors are unable to find details of all assets and debts.
- The ownership of assets or property is complicated or unclear.
- There aren't enough funds in the estate to cover debts.
- There are digital assets you're unable to access.

How long will it take to get a loved one's affairs in order?

It's not possible to predict how long it will take to complete the whole process of administering an estate. In most cases, you can expect to be looking at a period of between six months and a year. However, in very complicated situations, or in cases where the estate is in dispute, it could take significantly longer.

Do you have to do it all yourself?

Agreeing to act as an executor is a huge undertaking and can often seem overwhelming. There are many reasons why you may not feel able to handle the job without support. Please remember that you do not need to do it alone: there are many professionals who will be able to help.

A specialist probate solicitor is a great choice here, and you can choose to work with whichever one you like. You can find a list of local solicitors by visiting [lawsociety.org.uk](https://www.lawsociety.org.uk) and clicking the 'Find a Solicitor' button. Alternatively, you could ask friends and family for their recommendations.

What if there are disagreements after the death?

The period after a death can be very difficult, especially if there are disagreements between those that are left behind. If there is a disagreement about a Will or estate, it can drastically increase the amount of work and time involved in tying up that estate.

If you do find yourself in this situation, we recommend that you seek specialist legal advice as soon as possible. Early intervention could help to avoid the situation getting out of control.



Glossary of legal terms

Administration of the estate

The process of gathering information relating to the assets and debts of someone who has died, paying all outstanding debts and distributing the remaining assets as per the Will (if there is one) or intestacy rules (if there isn't).

Administrator

A personal representative of someone who has died without leaving a Will. The administrator is responsible for administering the estate.

Beneficiary

An individual or organisation who stands to inherit something in a Will or by virtue of the intestacy rules. A beneficiary can also be someone entitled to receive property, money or other assets from a trust.

Certainty

The National Will Register.

Chattels

Any personal possessions an individual owns that are not land or buildings. This includes clothing, technology, art, jewellery, pets and vehicles.

Codicil

An official alteration to a Will, recorded in a separate document.

Contentious probate

The area of the law that deals with inheritance disputes and challenges to wills.

Deed of Variation

A legal document that allows a beneficiary to redirect all or part of their inheritance to the other beneficiaries of the estate.

Digital assets

Digital belongings such as photos, files, graphics, cryptocurrency and accounts.

Discretionary trust

A trust where none of the beneficiaries have an automatic right to any of the assets. Instead, the trustees will decide when to distribute assets or income from the trust, and how much a beneficiary will receive, if anything.

Estate

Everything that belongs to a person. This includes money in bank accounts, property and personal belongings, along with all their debts.

Executor

A personal representative appointed in a Will to deal with the administration of an estate.

Give, devise and bequeath

A formal way of saying a testator gives something to someone in its entirety with no restrictions.

Grant of Representation

A collective term used to refer both to grants of probate (in cases where there is a Will) and grants of administration (in cases where there isn't a Will).

Guardian (children)

A person who is appointed in a Will or by the Court to care for a child after the death of their parents.

Inheritance Act 1975

The legislation used to determine who has the right to make an inheritance claim against an estate, and what they might be entitled to if they do.

Inheritance tax (IHT)

The tax payable on an estate if the estate is worth more than the nil rate band.

Intestacy rules

The laws that govern how a person's estate is administered when there is no Will.

Intestate

When a person dies without leaving a valid Will.

Issue (Wills)

Any descendants, e.g. children and grandchildren.

Legatee

Another word for beneficiary.

Life interest trust

A trust that gives an individual the right to inherit the use of income of an asset, but only while they are alive. This means they never own the asset and can't benefit from the sale of it, give it away or leave it to someone in their own Will.

Life tenant

Someone who is the beneficiary of a property (though the term can sometimes apply to other types of asset), but only whilst they are alive. This means they can live in the property, but can't sell it, give it away or leave it to someone in their own Will.

National Will Register

A national organisation that registers wills made in the UK along with the name of the solicitor who is storing them. The National Will Register is also known as 'Certainty'.

Nil rate band

The amount of money set by the government that can pass to beneficiaries without any inheritance tax being due.

Oath

A formal document that sets out why a specific person is entitled to deal with someone's estate and the assets that are in the estate.

Personal representative

The person (or people) who will deal with the legal formalities of an estate. They will assess assets and liabilities, make sure any taxes are paid and distribute the estate. They can also be referred to as executors (if they have been appointed in a Will) or administrators (if they are administering an estate without a Will).

Potential beneficiary

Someone who is named in a trust (or falls into a particular category of people who are named in the trust – e.g. ‘grandchildren’) and may receive something, but is not guaranteed or entitled to anything.

Power reserved

When one or more personal representatives do not want to act on behalf of an estate at present but want to retain the option to act in the future.

Probate

A legal grant issued by the Probate Registry confirming that the executors have the authority to deal with the testator’s estate. The term ‘probate’ is also often used to refer to the process of winding up an estate and applying for a grant.

Renounce probate

When someone formally gives up all rights to apply for a Grant of Representation and/or act as a personal representative of an estate.

Statutory Will

A Will that is put together on behalf of someone who no longer has testamentary capacity, and is approved by the Court of Protection.

Tax planning

Making preparations to ensure an estate will not be subject to more than the appropriate level of inheritance tax.

Testator

Someone who has made a Will. A female testator is sometimes referred to as a 'testatrix'.

Trust

A legal mechanism for money or property from an estate to be held on behalf of a beneficiary or group of beneficiaries.

Trustee

A person who has been appointed to manage a trust on behalf of the named beneficiaries or potential beneficiaries. They are responsible for ensuring the terms of the trust are followed correctly and for making decisions about when or how the contents of the trust are distributed.

Trust property/fund

Any land, buildings, money or other assets that are held in trust.

Will

A legal document made by an individual to set out how their estate should be distributed after their death.

Roche Legal can help you with a range of legal and practical matters:

- ✓ Wills
- ✓ Will disputes
- ✓ Trusts and tax planning
- ✓ Estates and probate
- ✓ Powers of Attorney
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