

Private Client

A guide for the bereaved



We offer a sympathetic approach combined with experienced legal skills to deal effectively with the complications involved in administering the estate of a deceased person. This guide is designed to provide you with an outline of what needs to be done.

Is there a Will?

The Will needs to be found as soon as possible and may be with us, a bank or amongst the deceased's personal papers.

Registering the death

A doctor's certificate of the death needs to be obtained. This should then be taken to the Registrar of Births and Deaths in the district where the death occurred. The Registrar will issue a certificate to be taken to the funeral directors so the funeral arrangements may be made.

Arranging the funeral

We can advise you on whether there are any special instructions in the Will. In some cases a funeral plan covering these costs may have been purchased in advance. In the absence of a funeral plan, we recommend you telephone a funeral director as soon as possible to arrange a meeting and ask for an estimate of the likely expense. For further guidance, please contact:

- ▶ Golden Leaves
www.goldenleaves.com
Telephone: 0800 84 44 48

Notifying others

You may want to place a notice in a newspaper and either you, we or the funeral directors can arrange this if required. There will also be many people and official bodies who will need to be notified such as banks, pension providers and the Department for Work & Pensions. We will be happy to assist with the formalities.

Is a Grant of Representation necessary?

If the total assets owned by the deceased at the time of death totals £5,000 or more, it may be necessary to obtain a

Grant of Representation. Some banks and building societies will extend this limit to £10,000 or even £15,000 so always ask them in these situations.

What is a Grant of Representation?

A Grant of Representation is issued by the Probate Registry and is a document authorising the Personal Representatives to deal with the assets belonging to the deceased. There are two basic types of Grant:

- ▶ Grant of Probate: where a deceased person has left a Will, the Grant of Probate is issued to the Executors named in the Will
- ▶ Grant of Letters of Administration: where a deceased person has not left a Will, the Grant of Letters of Administration is applied for by the next of kin, who are known as the Administrators.

Executors and Administrators are collectively known as Personal Representatives

Do you need a solicitor?

Some people do try and manage the process on their own, but dealing with an estate can be a complicated and lengthy procedure. The Grant of Representation also needs to be applied for personally. A solicitor can take away the work and worry for you and can often speed up the process.

How to apply for a Grant of Representation

You must identify all of the assets and find items such as deeds, passbooks, bank books, share certificates and insurance policies. You must then establish the value of the deceased's assets and details of liabilities.

Oath for Executors/Administrators

You must establish who is the correct person (or persons) to apply for the Grant of Representation. The oath is then

prepared. This is a sworn statement made by the Personal Representatives giving their names and addresses, details of the deceased and confirmation that the estate will be administered according to the law. It also states the gross and net value of the estate. If the gross estate does not exceed £325,000 (or is less than £1,000,000 and passed to the surviving spouse) the oath need only be accompanied with a brief HM Revenue & Customs (HMRC – previously Inland Revenue) account of the assets in the estate.

Gross estate exceeding £325,000

If the gross estate exceeds £325,000 (or exceeds £1,000,000 and passes to a surviving spouse) you must prepare an extensive HMRC account giving details of all assets and liabilities. If the net estate exceeds £325,000 and does not pass to an exempt beneficiary such as a spouse or charity then it becomes liable to Inheritance Tax (IHT). *Note: if the deceased made any substantial gifts within seven years of death these need to be taken into account.*

Payment of Inheritance Tax (IHT)

Usually it is possible to use the deceased's bank or building society accounts to pay IHT or the amount owed is borrowed from the bank on a loan account in the name of the Personal Representatives. Ascertaining the amount of IHT payable requires contact with HMRC and we recommend that where IHT is likely to be involved, professional advice should be obtained.

Administering the estate

Upon receipt of the Grant of Representation, this is registered wherever the deceased had assets and any bank or building society accounts involved are closed. Upon receipt of the monies representing the estate, the debts (including funeral expenses) are paid and cheques can then be sent in respect of any legacies set out in a Will. When all matters have been resolved, detailed accounts showing all receipts and payments must be prepared by the Personal Representatives. Where Buckles are acting, these accounts are prepared by us and are then submitted to the Personal Representatives, with the cheques in settlement of the monies due to beneficiaries.

How long does it take to administer an estate?

This depends entirely upon the complexity of the estate and the co-operation of those with whom contact is necessary during the administration.

It can take anything from a matter of months to several years. Buckles' aim is to complete the administration as quickly as possible. If it is a case where there is a house to sell and the administration is otherwise completed, the cash assets can be distributed and the sale dealt with as a separate matter.

What is the cost to administer an estate?

The cost for administering an estate varies according to circumstances. We will supply the firm's charging policies and an estimate of likely costs at the outset.

Inheritance Tax (IHT)

The current IHT rates are:

- ▶ Up to £325,000 0%
- ▶ Balances over £325,000 40%

With effect from 9 October 2007, it is possible for married couples or those in a civil partnership to leave up to the total of £650,000 between them without liability to IHT. For further information see our IHT guide.

Probate Court fees

The Probate Court fee is a flat fee of £155 regardless of the value of the estate, plus an additional 50p for each official copy (called an office copy) requested.

Key contact



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