

Let's Talk

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Probate

When someone dies there are many decisions and arrangements to make. These can be overwhelming especially at a time of grief.

This guide will help inform you of what you need to do when someone dies, including who to inform and how to arrange their funeral. It will also help you with information regarding the person's financial affairs and their will.

The first thing you need to do following the person's death is to obtain the medical certificate, which will enable you to register the death and arrange the funeral. You don't need to deal with the will and other financial affairs immediately.

If the person has died in hospital you will be given the medical certification from the hospital or if they've died at home, you will need to call their GP to arrange for this.

There is no cost for this certificate and it should be issued immediately unless there is a coroner's inquest or procurator fiscal in Scotland. All deaths need to be registered within 5 days in England, Wales and Northern Ireland and within 8 days in Scotland.

- in England and Wales, contact the Register Office. Find your nearest register office on the [GOV.UK website](#).
- in Northern Ireland, contact the District Registration Office. Find your nearest office on the [nidirect website](#).
- in Scotland, contact the Registrar of Births, Deaths and Marriages. Find out more on the [National Records of Scotland website](#).



Registering the death is free, but you will need to pay for the death certificate, costing £11 to £15 depending on which area of the UK you live in. It's worth getting extra copies of the certificate as you will need these for various reasons and it's cheaper to do this at this point rather than at a future date.

In order to register the death you will need information about the person who has died including:

- medical certificate with the cause of death
- full name, including any previous names – such as maiden name
- date and place of birth
- last address
- occupation
- full name, date of birth and occupation of their surviving/late spouse or civil partner if they were married.

If available, you should also take their:

- birth certificate
- marriage or civil partnership certificate
- National Insurance number
- NHS medical card
- proof of address, such as a utility bill
- driving licence
- passport.

You should also take proof of identification for yourself, such as a driving licence.

Who to tell following the death

As well as family and friends there are several organisations you need to inform of someone's death.

The government's Tell Us Once service allows you to inform all the relevant government departments when someone dies. These include HMRC, UK passport agency, DVLA and local services, such as council tax and electoral services. For more information of the service, click [here](#).

There is also the **Death Notification Service** which works UK-wide and has been set up by trade association UK Finance and the major banks. It aims to make it quicker and easier for anyone who's suffered a bereavement to notify banks and building societies in one step.

You'll also need to inform:

- pension scheme provider
- insurance company
- their employer
- mortgage provider, housing association or council housing office
- social services
- utility companies
- GP, dentist, optician and anyone else providing medical care
- any charities, organisations or magazine subscriptions the deceased person made regular payments to. It may also be worth registering for the **Bereavement Register Service**, who will remove the deceased's details from mailing lists.

Has the person who has died left a will?

It's a good idea to start looking for a will in the first week after the death if you can, as it may also have other instructions such as funeral plans and wishes.

It's also important to establish if there's a will as it says who the executor is. If the will doesn't name an executor, or the person who has been named can't take on the position for any reason, it will be a more complicated process.

Any beneficiaries of the estate, usually a close relative such as a spouse, child or parent, can apply to the probate registry to be what is known as an 'administrator' of the estate instead.

If no valid will has been left, the deceased is classed as dying 'intestate'. In this instance, laws known as **intestacy rules** govern how their estate should be distributed.

For more details read our Wills guide [here](#).

Probate

In England and Wales probate is the word normally used to describe the legal and financial processes involved in dealing with the property, money and possessions (the assets) of a person who has died.

A grant of probate is a legal document that's sometimes needed to access bank accounts, sell assets and settle debts following someone's death.

If you are an executor or administrator of the will, you will already have the right to deal with the estate.

If there isn't a will, a grant of letters of administration is used instead. Both documents provide the named person with legal authority to deal with the estate of the person who died.

Probate is usually needed in England or Wales when:

- **The person who died owned property (houses, buildings or land)**
- **A bank or other financial institution asks for a grant of probate or grant of letters of administration/grant of representation**

Click [here](#) for more details on dealing with an estate in Scotland or [here](#) in Northern Ireland.

Many estates don't need to go through this process. If there's only jointly owned property and money which passes to a spouse or civil partner when someone dies, probate will not normally be needed. Also, if the estate is small, with no property and a small amount of savings, probate isn't likely to be needed.

However, you should contact each asset holder (for example a bank or mortgage company) to find out if you'll need probate to get access to their assets. Every organisation has its own rules.

If you're not sure whether probate is necessary, seek advice from HMRC [here](#).

The Probate process often involves a lot of complicated legal, tax and financial work including:

- Identifying all of the deceased's assets and liabilities, in order to determine the value of their estate.
- Verifying entitlement to the estate under the terms of the deceased's will, or in accordance with intestacy laws.
- Paying Inheritance Tax to HMRC where applicable, and submitting the correct Inheritance Tax return.

For more details of what is involved click [here](#).

Provided there are no complications, it usually takes between four and eight weeks to get a grant of probate after you've submitted the application.

The amount of time then for the estate to be completed will depend on its complexity.

In order to apply for probate, you'll need to complete a probate application, this can be done online [here](#) or by completing a paper form.

You can fill in the probate application form PA1P [here](#). If you need help completing the form, click [here](#).

Dealing with debts of someone who has died



When someone dies, their debts become a liability on their estate. The executor of the estate, or the administrator if no will has been left, is responsible for paying any outstanding debts from the estate.

Only the deceased's estate is liable for any debts, not their family. If there isn't enough in money or assets in the estate to pay off all the debts, the debts would be paid in priority order, firstly secured debts (such as mortgage), funeral costs, then other debts (including taxes), until the money or assets run out. Any remaining debts are likely to be written off. However, creditors can apply for an 'insolvency administration order' within five years of the death.

Surviving relatives will usually only be responsible for paying off any outstanding debts, if they acted as a guarantor or are a co-signatory of the debt. If there are any joint debts, the debt will become the sole responsibility of the surviving person.

If it's a large or complicated estate, you might want to consider seeking the advice of a solicitor or probate specialist.

Support available

[Gov.uk](https://www.gov.uk)

[NHS](https://www.nhs.uk)

[Mind](https://www.mind.org.uk)

[Cruse Bereavement Care](https://www.cruse.org.uk)

call the free helpline on 0808 808 1677
or email: helpline@cruse.org.uk

[Money Helper Service](https://www.moneyhelper.org.uk)



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