



The process of Probate



A GUIDE FOR ENGLAND AND WALES

When someone dies, there can be a lot to take in.

Alongside the loss, there are practical things to organise and decisions to make. This guide explains the main steps, so you can understand what needs doing and where to start.

Probate is the legal authority to deal with someone's money, property and possessions after they die. Together, these are known as their Estate. Not every situation needs a Grant: it depends on what the person owned, how it was held and the requirements of the organisations involved.

Find the original Will, if there is one, and keep it safe. It usually names the executors responsible for dealing with things. If there is no Will, the law sets out who can take on that role.

We can help you establish this before you begin.



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1. Register the death

Wait for the medical examiner's office to confirm that you can register the death, then contact the register office. In England and Wales, registration is normally required within five days of that confirmation. If a coroner is involved, the process may be different.

You can buy official copies of the death certificate. Having more than one can help when several organisations need to see it.

2. Use Tell Us Once

Tell Us Once is a free government service that reports the death to most relevant government departments in one go, including HMRC, the Department for Work and Pensions and the local council.

The registrar will explain how to use it and may give you a reference number. Use this within 28 days. You will still need to contact banks, insurers, utility companies and most private pension providers separately.



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3. Contact organisations and gather the figures

Contact the banks, building societies, investment providers and other organisations the person used. Ask for the value of their accounts at the date of death and what they need to release the funds.

Gather details of property, possessions, mortgages, loans and unpaid bills too. Keep a record of replies and expenses. If a home is empty, make sure it is secure and tell the insurer so the right cover remains in place.

4. Prepare the valuation

Bring those figures together to show what the person owned and owed at the date of death. Property and valuable possessions may need professional valuations. Jointly owned assets and gifts made during their lifetime may also need to be considered.

This valuation helps establish whether Inheritance Tax is payable and provides the figures needed for the probate application. A valuation is still needed even if there is no tax to pay.



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5. Deal with Inheritance Tax

Inheritance Tax is not payable in every case. The position depends on the value involved, who inherits and which allowances or exemptions apply. Sometimes a full tax return and supporting forms are needed even where no tax is due.

Where tax is payable, you will usually need to pay some or all of it before the Grant is issued. Payment is normally due by the end of the sixth month after the death; interest can run after that. Some assets qualify for payment by instalments.

If the money is tied up, speak to us about the options. Banks can often release funds directly to HMRC before probate. We can help you work out the reporting requirements and how payment will be arranged.

6. Apply for the Grant

Once the valuation and any necessary tax reporting are dealt with, the application can be made to the Probate Registry. Where a full Inheritance Tax return is required, you must wait for the necessary HMRC details before applying.

If there is a valid Will and an executor applies, the document is usually called a Grant of Probate. If there is no Will, it is usually called Letters of Administration. Both provide formal authority to deal with the assets. The application includes the required documents and any court fee.



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7 Receive the Grant

The Probate Registry checks the application and may ask for further information before issuing the Grant. Timing varies, particularly if information is missing or questions need to be resolved.

Once issued, the Grant can be sent to banks and other organisations so they can release assets. It can also allow a property sale to complete. Receiving the Grant is an important step, but it does not mean everything is finished

8 . Collect assets and distribute the inheritance

The person dealing with the administration collects the money, arranges any necessary sales or transfers, and settles debts, taxes and expenses. Records should be kept throughout, with final accounts showing what came in, what was paid out and what remains.

What remains is then distributed under the Will. If there is no valid Will, the rules of intestacy determine who inherits. These rules do not automatically provide for an unmarried partner.

Before distributing, check that outstanding bills, tax and any potential claims have been addressed, and that it is safe to proceed. If there may not be enough money to pay all the debts, get advice before making payments.



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How All Law can help

You may want help with the Grant application, or you may prefer us to handle the full administration. We'll explain what is involved, agree the work and costs with you, and take as much of the practical work off your hands as you need.

Your first 20-minute conversation is free. You don't need to have every document or every answer before you speak to us.



For all the legal support you need

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