



# What do you do when a member of the family dies? (FAQs)

As presented by Paul Hillier on BBC Three Counties Radio "The Afternoon Show" with Lorna Milton. 07.10.2010

**Q. A member of the family has died, what do I need to do?**

*A. You must register the death within 5 days. Once registered you are free to arrange the funeral.*

**Q. How do I register a death and what information do I need?**

*A. Ideally the death should be registered by the deceased's closest living relative e.g. spouse or child at the Registrar for Births and Deaths. To register the death you must first obtain the medical death certificate from the Hospital or Doctor's surgery. The Registrar will advise you of what documents to bring and the cost is £3.50 per certificate.*

**Q. How do I arrange a funeral?**

*A. Once the death has been registered with the Registrar you will be provided with a green form. This should be passed to the funeral director. Check if there is a prepaid funeral plan and check the Will for any funeral wishes.*

**Q. How do I settle the funeral bill?**

*A. If you are in a position to pay the funeral bill out of your own resources you should do so. You can be reimbursed out of the estate at a later date. If you do not have funds to settle the funeral bill you should forward it to the deceased's bank. They may settle the bill if there are sufficient funds.*

**Q. A member of your family has died leaving a Will, what do I need to do?**

*A. Locate the original Will. This may be at home, with a solicitor or with a bank. Only the Executor(s) named in the Will can obtain the original if lodged with a solicitor or a bank.*

**Q. Is there a Will reading?**

*A. This is not legally required and does not happen very often.*

**Q. A member of the family has died has died without leaving a Will, how do I administer the estate?**

*A. If you are sure there is no Will, then the deceased is considered to have died 'Intestate'. The Intestacy Rules will apply to the estate and it is these rules which govern who can deal with the estate and who can inherit. As it depends on the deceased's circumstances as to how the Intestacy Rules will apply, it is a good idea to seek legal advice.*

**Q. What is a 'Personal Representative'?**

A. This is the person who is entitled to administer the deceased's estate. If there is a Will, this will be the named Executor(s); if there is no Will and the member of the family has died Intestate, this will be the Administrator(s).

**Q. What is 'Probate'?**

A. This term refers to the 'Grant of Representation'. This is the official legal documentation that is issued and sealed by a District Probate Registry. The documentation must be applied for by the Personal Representatives. Once obtained, the Grant of Representation is used as the authority to close bank accounts and to sell or transfer shares or property. If the deceased died having made a Will then the Personal Representatives will apply for 'Grant of Probate'. If the deceased died Intestate, then the Personal Representatives will apply for 'Grant of Letters of Administration'. Both terms refer to the 'Grant of Representation'.

**Q. On someone's death, is an application for Grant of Probate always required?**

A. Usually yes, but not always. Check with your local solicitor if this is required.

**Q. I have been told that I need to obtain 'Probate', how do I go about obtaining it?**

A. You will need to complete an Inland Revenue account, swear an Oath and possibly attend a meeting with the local Probate Office. However, a solicitor can prepare the Inland Revenue account and the oath for you and then obtain the Grant. Generally, this means there would be no need for you to attend the District Probate Registry.

**Q. Would the estate be liable for Inheritance Tax?**

A. This tax year the limit is £325,000. However, in certain circumstances this could be doubled between spouses. If the value of the estate is below this figure then no Inheritance Tax will be payable unless money or property has been given away. If the value of the estate is above this figure then anything above £325,000 will be taxed at 40%, unless other exemptions apply.

**Q. The value of the estate is below the nil-rate band, what do I do?**

A. There may be no Inheritance Tax payable and as such, you should be able to proceed with an application for Probate. However, if the deceased has given away money or property you may need specialist advice.

**Q. If Inheritance Tax is payable, what do I do?**

A. A more detailed tax return may be required.

**Q. I have heard about the "Seven Year Rule"; what exactly is it?**

A. This is in relation to gifts made in someone's lifetime. If someone dies within seven years of making a gift it may alter the Inheritance Tax position.

**Q. How long does it take to obtain Probate?**

A. Anywhere between two and six months, depending on whether Inheritance Tax is payable.

**Q. Do I have to use a Solicitor?**

A. No. You are entitled to apply for the Grant of Probate yourself. The Probate Registry does offer guidance. However, many people find the expert advice and guidance of a solicitor comforting at such a difficult and emotional time and also find that a solicitor can take away the stresses that estate administration can bring.

**Q. How much does it cost to obtain Probate and administer an estate?**

A. *This can vary greatly. Many solicitors offer a free initial consultation to advise and assist you.*

**Q. Another member of the family is unhappy with the content of the Will – what can I do?**

A. *If someone wishes to challenge a Will or if you are facing a claim against an estate in which you are involved, you should seek legal advice immediately.*

**Q. I have Probate – what do I do next?**

A. *You may need to sell a property, sell or transfer shares, close down bank and building society accounts and other investments and possibly deal with pensions and income tax. You will also need to open an executors' account to receive any money. You may also need to clear the mortgage and pay off any debts and creditors.*

## ADVICE ABOUT BENEFITS

Following the death of a partner or spouse you may be entitled to benefits and we would recommend that you call 0845 606 0265 and ask for the Local Pension Service who will be able to provide details of drop-in events nearest to you. These lines are open from 8.00am to 8.00pm Monday to Friday.

## CAR INSURANCE

Many people assume that if the deceased owned a vehicle and had covered a second party on the insurance that the second party would still be entitled to drive the vehicle. Unfortunately, quite often this benefit ceases upon the death of the insured and it is important to contact the insurance company before anyone drives the vehicle, to make sure that they are still covered.

If you have any other query not covered in the fact sheet or would like more detailed advice or assistance, please contact:

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