

A woman with long brown hair is sitting in profile, looking out a window. She is wearing a grey hoodie and has her hand near her chin. The window shows a blurred green landscape with pink flowers. On the right side of the image, the word 'WORLD' is written in large, white, stylized letters, partially overlapping the window view. The background is a soft-focus outdoor scene.

**| A guide to what
to do when
someone dies**

THE LAW FIRM WITH A PASSION FOR PEOPLE



When someone close to you dies, it is easy to feel overwhelmed by the emotional loss and the tasks that lie ahead.

This guide is intended to help you with the practical and legal aspects. It provides information on the key

stages of administering an estate and highlights areas where specialist advice should be sought, so the more complex aspects are managed correctly. We hope you find it helpful whether you are an executor appointed in the will or a close family member.

Initial tasks

Arranging the funeral

While strictly it is the executors who are responsible for arranging the funeral, this is often an aspect dealt with by close family members who may be the appointed executors in any event. Early contact will need to be made with the funeral directors as they will take the person who has died to a chapel of rest. They will guide you through the next steps in arranging the funeral. It is advisable to check what is included in the funeral directors' basic costs and what additional costs there will be. The National

Association of Funeral Directors (NAFD) regulates most of the UK's funeral directors and provides a code of conduct, list of accredited members and advice.

It is important to establish whether the person left a will and if they did, whether it includes any funeral wishes.

You should notify family and friends of the death and let them know about the funeral arrangements.

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Registering the death

The death should be registered within 5 days at the registrar's office for the area in which the person died, usually by a relative. You can make an appointment online or by telephone.

It is helpful to take the following if you have them:

- The birth certificate for the person who has died
- Their marriage or civil partnership certificate
- Their driving licence and passport
- Proof of their address (a utility bill)
- Your own passport and driving licence
- Proof of your address (a utility bill).

The registrar of deaths will need to know:

- The person's full name (and any other names they had, such as a maiden name)
- Their date of birth and place of birth
- Their date of death and place of death

- Their usual address
- Their most recent occupation
- Whether they were receiving any benefits or the state pension
- The name, date of birth and occupation of their spouse or civil partner.

Once the death has been registered, the registrar will give you:

- A certificate for burial or cremation, known as a green form, for the funeral director
- A death certificate, or however many you request. There is a charge for each death certificate
- Information about the government's 'Tell Us Once' service.

If the executors intend to instruct solicitors to deal with the estate, we suggest you obtain 2 or 3 copies of the death certificate to pass to them. Otherwise, we suggest you obtain enough copies to produce to each organisation with which the deceased held assets i.e. each bank, insurance company, pension company etc.

03

The government's 'Tell Us Once' service

The registrar will give you a 'Tell Us Once' reference number, enabling you to access the service online or by phone. The service enables you to report the death to several government departments at once, including:

- Local services e.g. the council tax department, library, electoral services
- Driver and Vehicle Licensing Agency (DVLA)
- UK Passport Agency
- HMRC.

If there is no will, the estate is described as 'intestate' and the intestacy rules will apply.

Points to consider



Is there a will?

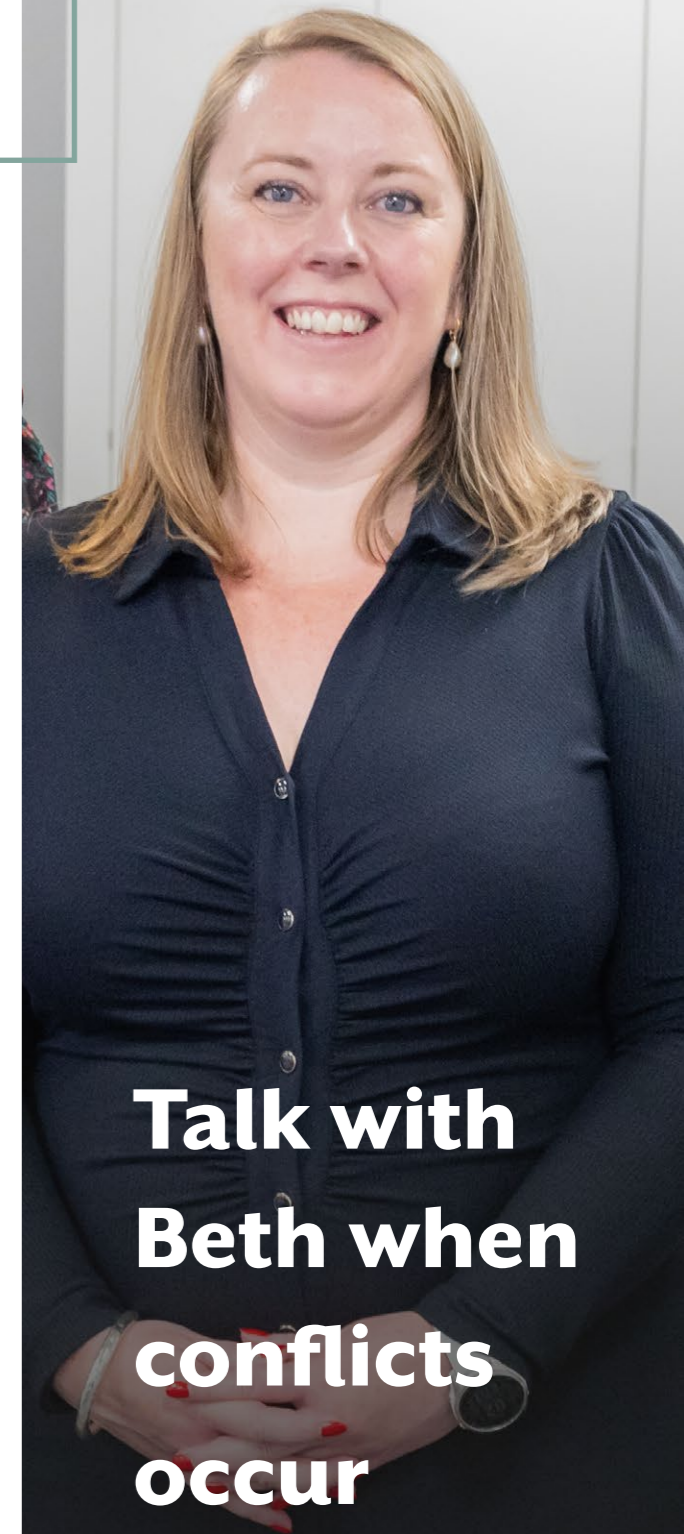
It is important to find out as early as possible whether the person who died left a will. If a solicitor prepared the will, it is likely the solicitor's firm will hold the original will and there will be a copy among the papers. You should contact the firm to inform them of the death. They will ask for an original death certificate.

Funeral wishes - A will may include funeral wishes e.g. a request for cremation or burial or more detailed wishes. You should ask the solicitor whether there are any funeral wishes. Sometimes these will be included in a letter with the will.

Executors - A will should appoint executors who are responsible for dealing with the administration of the estate. They are subject to a range of duties and responsibilities and must safeguard the assets of the estate for the benefit of the beneficiaries. Often the executors will be close family members, although sometimes family friends or professionals (such as a solicitor or an accountant) will be appointed. A non-professional executor is not entitled to be paid for acting as executor, although they can recover reasonable expenses e.g. postage and travel expenses.

An executor named in a will does not have to act as such. They can decline the role if they have not acted as an executor.

If there is no will, the estate is described as 'intestate' and the intestacy rules will apply. These set out who can apply to administer the estate and who will inherit the estate. An intestate estate can take longer to administer and prove more costly.



Talk with Beth when conflicts occur in the aftermath of a death

The property

In considering what needs to be done next, most aspects can wait until after the funeral. However, if the person who has died owned a property and lived alone, there are various steps which should be taken by the executors as soon as possible.

Notify the insurers - House insurers (for buildings and contents) should be notified of the death straightaway, to ensure cover continues. They may impose conditions to maintain cover e.g. that the property is visited regularly.

Remove valuables, cash and paperwork - The executors should check the property thoroughly. Cash and valuable items which can be removed (e.g. jewellery) should be taken to a safe place rather than left in an empty property. Financial papers should also be removed as these will be needed in relation to the estate.

Secure the property and arrange regular checks

The executors should make sure the property is secure and where possible check the property regularly and collect any post. They could arrange for a trusted person to have a key and check on the property, but ultimately it is the executors' responsibility to look after the assets in the estate. A redirection of post could be considered.

Deliveries - Any deliveries e.g. milk or newspapers should be cancelled.

Car - If there is a car, the insurers should be notified of the death. The car should not be driven unless the driver is covered by their own insurance. In due course, the car can be sold by the executors or transferred to a beneficiary depending on the terms of the will. Bear in mind that a car is usually a 'personal chattel' or 'personal possession' and the will may include a gift of such items.

Household bills - It is a good idea to contact the utility companies at an early stage so they are aware of the circumstances and can update their records. Any direct debits or standing orders paid from an account in the sole name of the person who has died will stop once the bank or building society is notified of the death, so it is helpful to notify the utility companies (and any other payees) before this happens.

Firearms - If there is a firearm, it must be kept under the conditions of the licence. The executors should contact the local police for advice at an early stage.



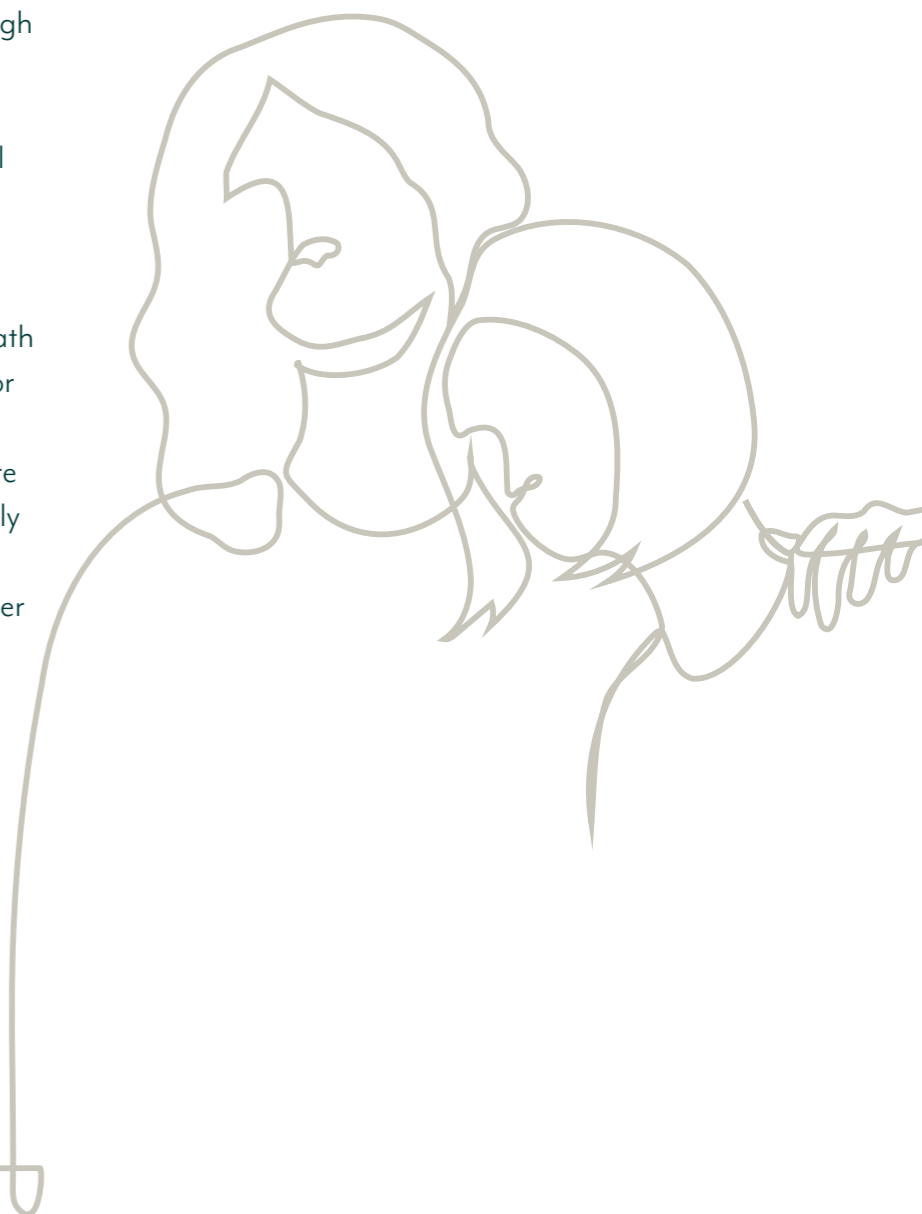
The administration of the estate

While all estates follow a broadly similar process, no two estates are the same. Some will be more complex than others and will benefit from specialist advice to ensure that all relevant matters are considered and the tax aspects are dealt with and concluded correctly within set time limits. The following information is intended as a general guide to the different stages in the administration of an estate.

Preliminary Work

Initially the executors need to go through the paperwork to identify all possible assets and liabilities of the estate. If they intend to instruct solicitors to deal with the estate it is helpful to hand over limited paperwork in reasonable order. The next step is to contact all organisations to notify them of the death and obtain the information required for Probate. It is also necessary to obtain valuations of property and land. Where solicitors are instructed, they will usually do this on behalf of the executors. In more complex estates there will be other matters to consider such as lifetime gifts, pensions, trusts, assets overseas and business aspects.

**It is important
to find out as
early as possible
whether the
person who died
left a will**





Is a Grant of Probate needed?

Usually the executors will need to obtain a Grant of Probate to deal with the assets of the estate, but this will depend on the assets, their values and the way in which they are held. A Grant of Probate is a document issued by the Probate Registry which establishes or 'proves' the Will as the last Will of the person who died and confirms the executors' authority to act under the Will. It is the key to dealing with the assets of the estate.

A Grant of Probate is not required in relation to every estate. If there are just a few assets of fairly low value, the organisations may allow the assets to be dealt with without a Grant of Probate or if all assets were owned jointly, those assets will usually pass automatically to the other owner on the death and a Grant of Probate may not be required. If you are in any doubt as to the way forward, you should seek advice.



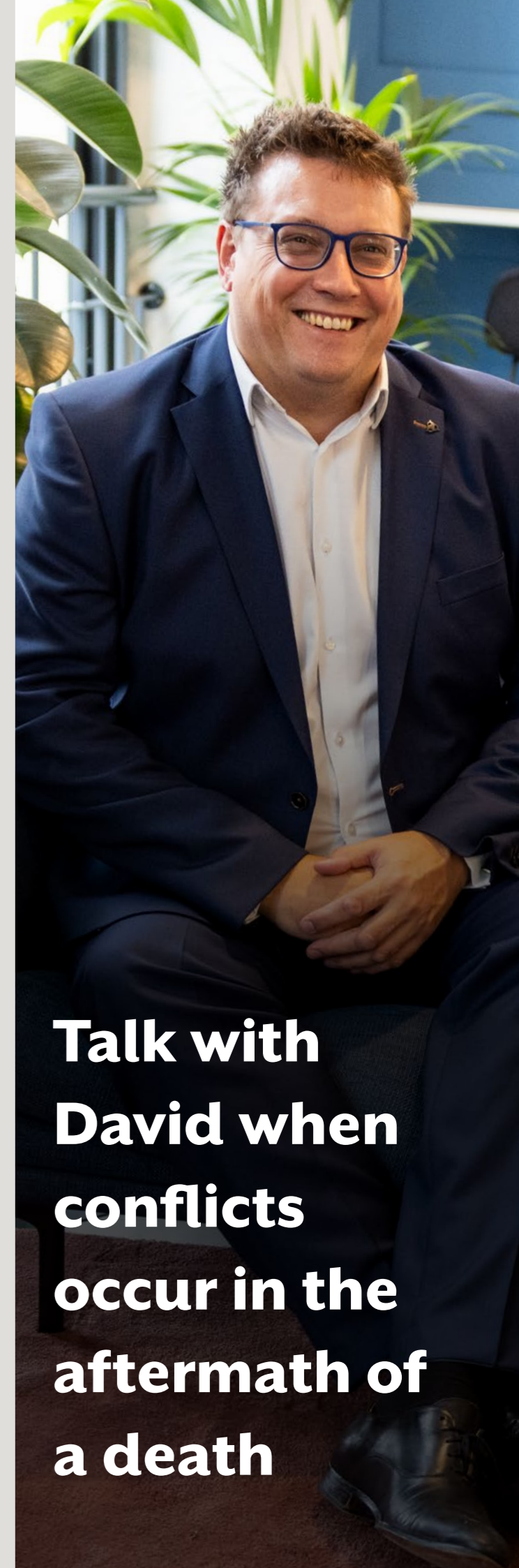
Is an Inheritance Tax Account needed?

If IHT is payable, a detailed Inheritance Tax Account with supporting schedules will need to be submitted to HMRC and at least part of the IHT must be paid before the application for the Grant of Probate is made. The Inheritance Tax Account must give a full and accurate account of the estate including information in relation to gifts, pensions, joint accounts, trusts etc. HMRC can seek penalties for inaccurate Accounts.

The question of whether IHT is payable will depend on whether the value of the estate for IHT purposes exceeds the available Nil Rate Bands after reliefs and exemptions are applied.

In some circumstances an Inheritance Tax Account will be required where no IHT is payable.

Executors may wish to take advice on ways in which they can protect themselves from personal liability for unknown debts or for potential claims against the estate for financial provision



Talk with David when conflicts occur in the aftermath of a death



Applying for the Grant of Probate

If no Inheritance Tax Account is required, the application for the Grant of Probate can be made once the values of the assets and liabilities of the estate at the date of death have been established. The application is usually made online.

If IHT is payable, the Inheritance Tax Account must be submitted, and at least part of the IHT paid, before the application for the Grant of Probate can be made. While banks and building societies will not generally release funds before they see the Grant of Probate, they will usually do so for the payment of IHT (and also for payment of a funeral account).

Payment of Inheritance Tax

IHT becomes due 6 months from the end of the month of death but, as noted above, the tax due on certain assets must be paid before the application for the Grant of Probate can be made. IHT on certain assets can be paid by 10 annual instalments while the assets remain unsold.

Specialist advice

Where an Inheritance Tax Account is required, we can ensure the detailed account and its supporting schedules are completed correctly and that all claims for allowances, exemptions and reliefs are made. If IHT is payable, we can arrange for the correct amount of tax to be paid at the appropriate time. We have significant experience of dealing with queries raised by HMRC, and our specialist knowledge of IHT can be particularly beneficial in complex estates involving agricultural property or business assets where we can ensure all reliefs are claimed and any enquiries are dealt with promptly.

Finalising the administration of the estate

Once the Grant of Probate has been issued, there are various aspects to deal with in order to finalise the administration of the estate. If Solicitors are instructed, they will usually deal with these aspects on behalf of the executors. Particular considerations or complexities may arise depending on the estate.

As a general guide, it is a question of:

- Arranging to collect in the money due to the estate and pay liabilities.
- Finalising the income tax/capital gains tax position to the date of death.
- Arranging payment of cash legacies.
- Dealing with any IHT queries which arise, reporting on any adjustments and considering whether loss relief claims should be submitted; paying any additional Inheritance Tax which becomes due and obtaining a clearance certificate.
- Dealing with the sale or transfer of assets such as a property or shares; considering the tax implications.
- Considering interim distributions to the residuary beneficiaries.
- Registering the estate with the Trust Registration Service if necessary.
- Reporting to HMRC on the income tax and capital gains tax position, either by the submission of tax returns or following the informal procedure, as required, and obtaining clearance.

- Preparing Estate Accounts detailing all transactions in relation to the estate and the amounts available for distribution
- Making the final distributions to the residuary beneficiaries and preparing tax certificates for them.

It can take some time to finalise the tax aspects of an estate depending on the issues involved and the time it takes HMRC to raise queries, deal with responses and issue clearance. This, and the time it takes to sell a property, are often the aspects which prolong the administration of an estate.

Particular aspects

As well as the IHT aspects, there may be other aspects of an estate where specialist advice should be sought, for example where there is a trust involved; where there are overseas assets or a potential dispute; where an asset which has increased in value is to be sold; where there are charitable beneficiaries entitled to part of the residue; where the law of intestacy applies or where a deed of variation is proposed.

Executors may also wish to take advice on ways in which they can protect themselves from personal liability for unknown debts or for potential claims against the estate for financial provision.

About HCR Law

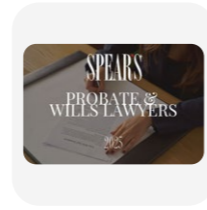
As an award-winning 'Top 50' UK law firm, we provide the full range of services that you would expect to organisations, business leaders and individuals. We are entrepreneurial in our outlook, so we're flexible and responsive to the needs of our clients, delivering the best outcomes for them.

We have more than 1,000 lawyers and support staff, including more than 180 partners. Our annual turnover is over £100m. Our roots go back to 1796 in Cheltenham and 1904 in Worcester, when our predecessor firms were founded. Our growth has been in response to client demand, and we have 13 offices in England and Wales, including an international HQ in London.

Clients value our honesty and our friendly approach, and we've been awarded the Law Society's Lexcel quality mark in recognition of our compliance and client care standards.

We truly partner with our clients and demonstrate our genuine commitment to them and what they're trying to achieve in all that we do. We are pragmatic and won't 'sit on the fence'. Clients have confidence in our advice because of our experience, specialist expertise, and the relationships we build with them.

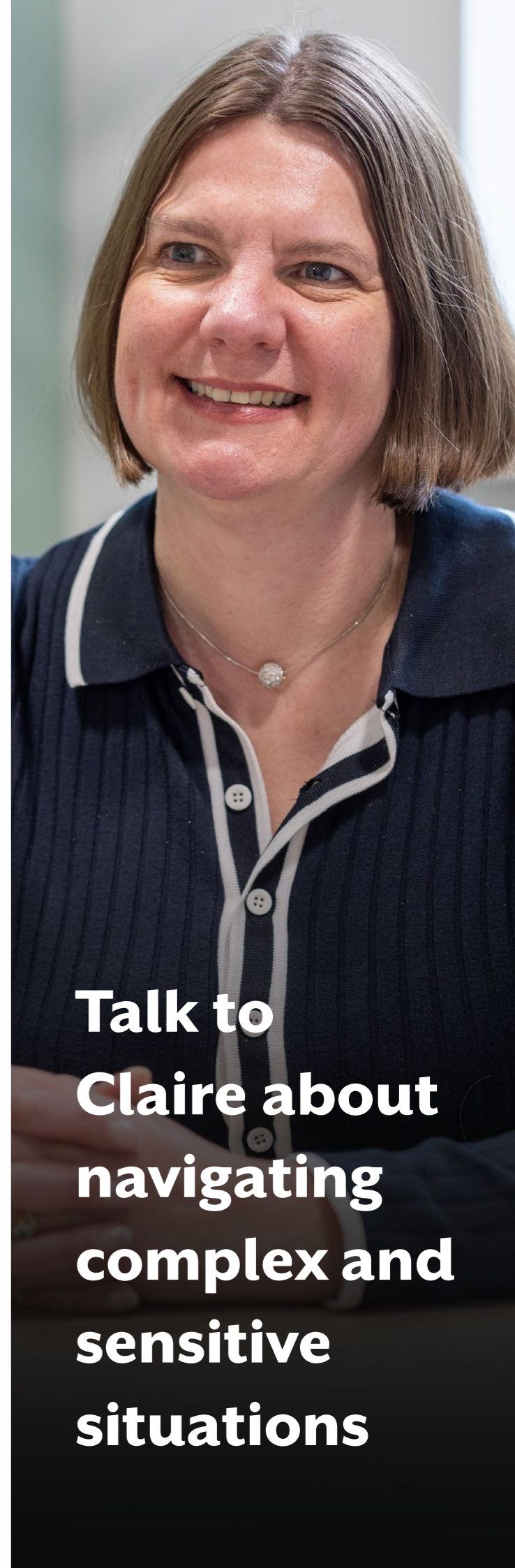
Our awards



How we can help

At HCR Law, our Private Client team specialises in all aspects of the administration of estates. We understand the emotional impact of dealing with the estate of someone close and the reassurance that professional involvement and support can bring. We can deal fully with the administration of an estate on behalf of the executors, removing the burden of administration from them but keeping them fully informed, preparing all paperwork and guiding them on decisions to be made. Alternatively, some executors may prefer to deal with the preliminary work themselves but instruct us to obtain the grant of probate on their behalf. We are happy to discuss and agree the extent of our involvement.

**HCR Law is a
Top 50 UK law
firm with offices
in England and
Wales**



**Talk to
Claire about
navigating
complex and
sensitive
situations**

Contact us

If you would like to talk to us about the administration of an estate, please do get in touch. We would be happy to help.



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“HCR are an exceptional firm who go above and beyond for their clients. They are transparent, provide pragmatic advice and are realistic with their expectations. With HCR, you feel as if they truly care about you and the matter at hand.”

Legal 500 private client testimonial

Glossary

Executor	A person named in a will whose role is to manage the estate.
Grant of Probate	A document issued by the probate registry confirming the executors' authority to administer the estate.
Intestate	The estate of someone who dies without a will
Inheritance Tax	Tax on a person's estate on death at the rate of 40% if the estate exceeds the IHT threshold after exemptions and reliefs are applied
Deed of Variation	A document by which a beneficiary varies/redirects their entitlement under the will

Other useful sources of information

Step by step guide from the Gov website	www.gov.uk/when-someone-dies
Tell Us Once service	www.gov.uk/after-a-death/organisations-you-need-to-contact-and-tell-us-once
Guidance from Age UK	www.ageuk.org.uk/information-advice/money-legal/legal-issues/what-to-do-when-someone-dies T: 0800 055 6112
Cruse Bereavement Support	www.cruse.org.uk T: 0808 808 1677
National Association of Funeral Directors	www.nafd.org.uk T: 0121 711 1343



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