

Information relating to Probate and Administration of Estates

Anyone can register the death of a deceased person with the appropriate Registrar provided that person has all the necessary details from the hospital or doctor concerned and from the deceased's own papers, is a relative or is the person causing the body to be buried or cremated.

Personal Representatives are the people who deal with the affairs of a deceased person and who, in most cases, obtain a Grant from the Probate Court to authorise and enable them to act in the administration and settlement of the deceased's estate.

If they are appointed in the deceased's Will, they are also called Executors.

If the deceased did not make a Will then they are also called Administrators. Administrators are given the authority to act under the Rules of Intestacy. The person or persons having the right to act as the Personal Representatives of the deceased always need to obtain a Grant in order to confirm their appointment.

The person who makes the funeral arrangements will be responsible for the payment of the bill if there is not sufficient money in the estate.

Personal Representatives have a duty:

- a) to collect together, protect and value the deceased's personal possessions (i.e. furniture, jewellery, bank accounts, stocks & shares, etc) and any real property (land and buildings) all of which is called the Estate.
- b) to pay from the money in the estate any debts of the deceased and the funeral and testamentary expenses.
- c) to distribute the remainder of the estate to those who are entitled to it - the Beneficiaries - in order to complete the administration of the estate.

Personal Representatives may also be required to tell the Inland Revenue about the value of the deceased's estate and answer any questions that the Revenue may raise in order to decide whether Inheritance Tax is payable and, if so, to determine the exact amount.

During the administration of the estate the Beneficiaries can agree with the Personal Representatives to enter into a Deed of Variation to alter the way the estate is actually distributed so as to include children, grandchildren, other persons or charities as beneficiaries of some share of, or all of the estate.

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