

We understand that when someone close to you dies it is a distressing and difficult time. It seems that there are a lot of practicalities to deal with and many decisions to be made. This guide will help you with the first few steps and explain what is ahead.



## 1

### WHAT TO DO FIRST

- Register the death at a register office. It is best to book an appointment. The death should normally be registered by a relative (or by someone present at the death or someone who has the information). Remember to take the medical certificate supplied by the doctor. Ask for at least ten additional copies of the death certificate (useful for the organisations that will request proof of death).
- Arrange the funeral and notify family and friends. Check if the deceased made any special requests. They may have been communicated to someone or set out in a Will. A funeral director will guide you through the process. The funeral may already be paid by a prearranged scheme, otherwise you should make sure the deceased had sufficient funds to cover the fees. Banks will often pay funeral directors directly on receipt of their invoice but, if not, the funeral fees will have to be paid after Probate has been granted (see following).



## 2

### THE FIRST FEW WEEKS

- Notifying people. Whilst it is important to notify family and friends before the funeral (you might place an obituary notice in a newspaper), there is no rush to notify financial institutions, companies, the tax office etc. until later (banks will freeze accounts and stop direct debits once notified, unless the account was in joint names). You can do this yourself but it is usually dealt with as part of the estate administration. You should, however, notify the deceased's car and household insurer and check if the surviving spouse/partner is eligible for bereavement benefits. Bereavement Support Payment (BSP) can be claimed within 21 months of death but must be claimed within 3 months to get the full amount, which can be as much as £3,500 followed by 18 monthly payments of £350.
- Is there a Will? Check whether there is a Will (whether held by the deceased or the solicitors who drew it up). A Will is a legal document in which a person declares their intention as to what should happen to their assets after their death. It will include details of the people ("the executors") who will be responsible for dealing with (or "administering") the estate. The executors will collect in the assets, settle any debts and tax, and distribute the estate to the beneficiaries. If there is no Will, the person has died "intestate". This means that the estate will pass under the intestacy rules to certain family members (the rules are quite complicated). There are also rules which set out who will administer the estate under an intestacy.



## 3

### THE NEXT TWELVE MONTHS (AND BEYOND)

- **First stage.** The executors (or "the administrators" if there is an intestacy) must establish details of the deceased's assets and liabilities and obtain valuations as at the date of death. Gifts made by the deceased and any trusts they had established, or in which they had an interest, also need to be considered. This information must be provided in an inheritance tax ("IHT") return to HM Revenue & Customs ("HMRC"). Any initial tax due on death will need to be paid on submission of the IHT return and before Probate is granted by the Probate Registry. The Grant of Probate is the document which gives the executors legal title to deal



with the estate. A simple application may be ready to submit to the Probate Registry within eight weeks, however, the timescale for this stage usually ranges from twelve to twenty weeks, depending on the complexity of the estate.

- Over the last few years, there have been numerous changes to the probate service, including the introduction of a new online application process and the closure of local probate registries in favour of a central office, all of which have resulted in the length of time for a grant to be issued increasing from ten working days to as much as sixteen weeks. Your Wedlake Bell adviser can provide you with an estimated timescale for this stage at the time of instruction.
- **Second stage.** Once Probate is granted, the executors will collect in and, if necessary, sell the assets before paying the deceased's debts. Income tax and capital gains tax prior to a person's death must also be agreed with HMRC and paid in accordance with the relevant deadlines. The executors/administrators will also have to report and pay any income tax and capital gains tax arising during the period of administration. Once this has been done and all liabilities paid, distributions (and, if applicable, the transfer of specific assets) to the beneficiaries can be made.
- **Third stage.** A full set of accounts should be prepared for the beneficiaries (known as the "estate accounts") showing all of the financial transactions from the date of death up to the final distribution to the beneficiaries. As explained above, the timescale for the administration of an estate will depend on the particular circumstances and the efficiency of the probate registry at the time of application. At the time of publication, the administration of most estates is usually completed within 12 to 18 months, however, please ask your Wedlake Bell adviser for their best estimated timescale at the time of instruction.

## HOW CAN WE HELP?

It is not essential for executors or administrators to instruct legal advisers to deal with administering an estate, however the process can be quite complicated and overwhelming especially at such a difficult time. Wedlake Bell's Private Client Team can provide valuable support to executors and administrators and deal with all aspects of the estate administration from start to finish, including:

- notifying banks and other institutions of the death;
- obtaining probate valuations for the assets and compiling details of liabilities;
- preparing and filing the IHT return with details of the assets and liabilities;
- assisting with settling the estate's IHT liability, including, where necessary, dealing with HMRC enquiries and co-ordinating negotiations with HMRC;
- preparing the executors' statement of truth and obtaining the Grant of Probate;
- dealing with the tax returns for the period up to the date of death and during the administration period;
- paying the deceased's debts and liabilities;
- interpreting the Will (which may include trust provisions or provisions for young children) and advising the executors on the distributions to be made and the administration of any trusts;
- providing tax deduction certificates to beneficiaries showing income attributable to them from the estate;
- advising beneficiaries on their inheritance and any tax-planning they may wish to do for their own families, including Deeds of Variation which can only be made within two years of the deceased's death; and
- preparing the estate accounts.

In addition, we have a dedicated Private Client Disputes team who can advise on making and defending claims against the estate, including, but not limited to, those under the Inheritance (Provision for Family and Dependents) Act 1975, challenges to the validity of Wills, claims of negligence against professional advisers, disputes regarding the ownership of a deceased's ashes and applications for the removal of executors.

## CONTACT



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