

www.theNBS.org

Probate what is it all about?

Tel: 0800 024 6121

 National
Bereavement
Service

What is probate?

Probate is the process of dealing with the estate of someone who has died, which generally means clearing their debts and distributing their assets in accordance with the Will or Rules of Intestacy (when there is no Will). Probate in England and Wales is administered by the Probate Registry, the Commissary Department of the local Sheriff Court in Scotland, and the Northern Ireland's Court service for Northern Ireland. If probate is required in England, Wales and Northern Ireland, you would apply for Grant of Probate when there is a Will, or Letters of Administration, when there is no Will.

Checklist, what to do first?

Check to see if there is a Will

Establish if Probate is required

Establish who the Executors/Administrators are (collectively known as Personal Representatives of the Estate)

Locate all beneficiaries under the Will or follow the Rules of Intestacy

Locate all of the assets that will form part of the estate

Determine what debts there are within the estate

Call NBS to discuss which probate forms are needed or visit www.thenbs.org

Is probate always required?

When someone has died, there are several things you need to examine to determine if Probate will be needed:

- If the deceased person has financial assets worth more than £5,000 and financial organisations will not release funds without the production of the Grant of Probate or Letters of Administration. Each financial organisation sets their own threshold for requiring a Grant. It is always worth contacting them to understand their policy.
- If the deceased person owned a property which needs to be sold or transferred to beneficiaries a Grant may be needed.

I need help to determine whether probate is required!

It can often be unclear whether probate is required. If you need any guidance on finding out whether it is needed please call our helpline on 0800 164 2239.

Applying for the Grant of Probate or Letters of Administration (Grant of Confirmation in Scotland)

Once it is determined that a Grant is necessary, you need to know who has the right to apply. If there is a Will, the named Executors have the right to apply. If there is no Will, the estate is referred to as Intestate and you must follow the Rules of Intestacy. An Administrator will then be determined to make the application for Letters of Administration. In Scotland, if there is no Will, an Executor will need to be appointed.

After the Grant has been obtained, the Executor can collect the assets, pay any debts and distribute to the beneficiaries. The role of the Executor carries considerable responsibility and if you need any guidance, please call us.

Does it take long to administer the estate?

The process involves a number of legal steps and can take from several months to a year or more to be completed. Delays in dealing with an estate can be caused by assets held outside of the UK, the Will being contested or missing essential documents.

Help when you need it most!

Losing a loved one is often an emotional and difficult time and we are here to provide guidance and support when you need it. We explain what probate is in simple terms and anything else related to bereavement.

Tel: 0800 024 6121 Or visit: www.theNBS.org



You Are Not Alone.

The National Bereavement Service is here to support you with information and guidance or simply a listening ear.

Phone: 0800 024 6121

NBS Chat: www.theNBS.org

Email: info@theNBS.org

Monday – Friday 9.00am – 6.00pm

Saturday 10.00am – 2.00pm

