



**WHAT YOU MAY NEED TO KNOW ABOUT
WHEN A LOVED ONE
HAS PASSED AWAY**

Contents	Page
Some of the steps you may need to take:	
Registering the death	3
Organising the funeral	5
Useful information:	
What happens if the deceased did not leave a Will	6
What to do if you are the surviving spouse/partner	8
What is a Grant of Representation?	10
The meaning of some legal expressions	11-12
Frequently asked questions	13-14
Useful telephone contact information	15-16

Registering the death

When someone dies a doctor will normally issue a medical certificate. If a person dies in their own home the family doctor should normally be notified. If the cause of death is uncertain then the doctor will not issue a medical certificate until it is known. In some cases there may be delays e.g. if a coroner becomes involved.

What does registering the death mean?

When a person dies the death has to be recorded in the central registry for the country. The death should be registered within 5 days of receiving the medical certificate, at the registry office for the sub- district in which the death took place. You can go to a different office if it is more convenient, but the process will take longer because the registrar will need to forward your information to the original district in which the death took place.

Who may register the death?

Either:

- A relative
- Someone present at the death
- The person who found the deceased
- The person in charge of the deceased
- The person who is to make the funeral arrangements.

How do I register the death?

What documents do I need?

You will only need the medical certificate stating the cause of death which will have been issued by the doctor treating the person who has died. However, birth and marriage certificates may be useful to refer to and if the medical card can be found this should be handed in also.

What information will I be asked for?

The registrar will ask you for the following details:

- Date and place of death
- Deceased's first names and surname
- Maiden surname, if the deceased was a woman who had married
- Deceased's date and place of birth
- Deceased's occupation
- Name and occupation of surviving widow, widower or civil partner
- Deceased's usual address
- Whether the deceased received a pension or allowance from public funds
- If the deceased was married or in a civil partnership the date of birth of the surviving widow, widower or civil partner.

Where do I go to register the death?

Registry office opening hours vary from one district to another and most operate an appointment system. There are some local telephone numbers on page 18.

What paperwork will I be given by the registrar?

- The Certificate for burial or cremation - the funeral director cannot proceed with the funeral without it.
- The Certificate for social security benefits – this should be completed and sent to your local Department of Works and Pensions or Job Centre office.
- The Death Certificates. There is small fee for these. The Registrar can provide as many as you need and can advise you on this.

Organising the funeral

Once the registrar has given you a certificate for the burial or cremation you can proceed with the funeral. You can contact the funeral director before the death is registered. There are various factors you should consider:

Who organises the funeral?

You should consider who should organise the funeral and who should be consulted. This may be the next of kin or the executors named in the deceased's will.

Where the body is to rest until the funeral

The funeral director will help you decide where the body should stay until the funeral.

The time, place and type of the funeral

The funeral director will assist you with this. There are different types of funerals: traditional, non religious, burial at sea, and woodland burials.

You may be able to claim a funeral payment from the social fund if you claim certain benefits. However there are strict guidelines that have to be met before a claim can be made. If you think you may be entitled to claim then you can log onto www.dwp.gov.uk or go to your local Jobcentre Plus or Social Security office for further details and claim forms.

How much you intend to spend on the funeral?

This is something for you to consider. The cost of the funeral will normally be paid out of the estate of the deceased.

Funeral costs vary from £1500 to over £3000 depending on what sort of service is required. If the deceased held money in a bank/building society it will normally pay the funeral account if requested before the estate is dealt with.

Whether the body should be buried or cremated

You should check to see if the deceased left a will as this might contain funeral wishes. The executors or next of kin will be the persons who make the final decisions.

Other things to think about include whether to have flowers or donations and whether to put a notice in the newspaper.

You should find out if the deceased left a will before you make the funeral arrangements as many people have preferences on how they are to be buried or cremated and how the service is to be conducted.

What happens if the deceased did not leave a Will

It is estimated that around 70% of us do not make wills. Unfortunately if someone dies without having made a will their estate will not necessarily pass to those they wanted it to go to; neither will the estate necessarily pass to their nearest next of kin solely. If the deceased did not make a will then it is deemed that they died intestate and their estate will pass as follows:

If there is only a surviving spouse/civil partner (CP) and no children or other blood relatives:-

- The whole of the estate will pass to the spouse/CP absolutely

If there is a surviving spouse/CP and children:-

- All personal chattels (see page 12 for definition of chattels) will go to the spouse/CP
- Statutory legacy of £250,000 to the spouse/CP
- Life interest in half of the residue (see page 13 for definition of residuary estate) for the spouse/CP
- Children (not step children) are entitled to half the residue and a remainder interest in the other half - i.e. they will receive the other half on the death of the spouse/CP.

If there is a surviving spouse/CP, with no children, but parents or brothers and sisters of whole blood or their children if the brothers/sisters have died:-

- All personal chattels will go to the spouse/CP and statutory legacy of £450,000 to spouse/CP
- Half the residue to the spouse/CP
- Other half of residue to parents, brothers/sisters or their children if any brothers/sisters are deceased.

If there is no surviving spouse/CP or children then the order of inheritance is as follows:

- Parents
- Brothers/sisters of the whole blood or their children if brothers/sisters are deceased
- Brothers/sisters of the half blood or their children if brothers/sisters are deceased
- Grandparents
- Uncles/aunts of the whole blood or their children if uncles/aunts are deceased
- Uncles/aunts of the half blood or their children if uncles/aunts are deceased
- The Crown, Duchy of Lancaster or Duke of Cornwall.

If the deceased left a large estate and did not make a will then it may be prudent to consult a solicitor to find out exactly what you need to do next. An hour's appointment with a solicitor may cost between £100-£300, which may seem a lot of money, but the solicitor can provide you with invaluable information and help to ease your mind if you

are confused about any of the procedures involved when dealing with the estate/possessions of someone who has died without leaving a will.

The person who will be responsible for dealing with the estate is called an administrator, who will normally be one of the relatives entitled under the intestacy rules. They may be required to obtain a Grant of Letter of Administration (discussed more on page 10) in order to release assets.

What to do if you are a surviving spouse or civil partner (CP)

It is very hard when you lose a loved one but it can be even more difficult if you are unsure what to do in regard to your late spouse's/CP's assets. The chances are most of the assets are in both your names. If this is the case we would suggest that you make a list of all the assets in your joint names and in your late spouses/CP's sole name, and then proceed as follows:

If the deceased had more than £20,000 in assets, in their sole name, you may need to obtain a Grant of Representation. If the estate is less than that sum we suggest that you contact the institutions holding the assets either by telephone or letter (enclosing death certificate) and ask them what they require in order to release the assets.

You should also check if the assets are over this amount but all held within one company. Payment without a grant is subject to the discretion of the institution and some may require a Grant of Representation even if the investment is small. Once you know you will be in a better position to make decisions regarding the estate.

If you make a list to work with it may make things easier for you. You may need to contact some of the following:-

Banks and Building Societies - You will need to inform them of the death:

- For any joint accounts you should only need to produce the death certificate and they will take the deceased's name off the account.
- It is a good idea if you telephone your local branch office to arrange an appointment before attending or write to it enclosing the death certificate and any passbook.
- Once notification has been made any sole accounts will be frozen. Make sure that you check for any direct debits and standing orders on the deceased's sole accounts so these can be dealt with appropriately.

Share companies

- You will need to contact the registrar of the share companies involved and inform them of the death. The death certificate may be required.

Utilities at the property

- There is no rush for you to contact them but it will need to be done at some point. If you telephone them and tell them about the death they will probably arrange to have the accounts transferred into your name. You should ensure the property is covered by insurance if appropriate.

Solicitor

- If your spouse/CP did leave a will with a solicitor you will need to know its contents. If you are going to instruct the solicitor to assist you he will let you

have a copy. If you require the will, the solicitor will only release it to the executor or to someone with the consent in writing of the executor, and on the production of the death certificate. If there are specific things in the will you may need to know before the death has been registered, such as funeral wishes, then the solicitor should let you have the information you require so that the funeral arrangements can be made.

If you own a property in joint names as joint tenants and it passes to you automatically (see page 13 for definition of joint tenants) you may not need to do anything in relation to the deeds. (However you may want to put a copy of the death certificate in with them.) Your solicitor can advise you about this.

What is a Grant of Representation

A Grant of Representation is an official document issued by the Probate Registry of the High Court, confirming the appointment and authority of the executors/administrators to deal with the administration of an estate.

A Grant is issued to either an executor or administrator. There are three main types of grant of representation:

- **Grant of Probate** - issued to one or more of the named executors appointed in the will of the deceased. Probate is the process which proves the validity of a will.
- **Grant of Letters of Administration with the Will annexed** - issued when there is a will, but there is no executor named, or when the executor is unable or unwilling to be involved in dealing with the estate.
- **Grant of Letters of Administration** - issued when the deceased has not made a will, or has a will which is not valid.

If the deceased's estate is worth under a certain amount (usually between £15000—£20000) some institutions will ask to see only the death certificate and perhaps the will in order to release the assets, and ask you to sign a form of entitlement, probably in front of a solicitor. This is subject to the discretion of the institutions and some may require a Grant even if the holding is small.

If the deceased had e.g. under £20,000 held in 4 different institutions you may wish to ask all the institutions holding the deceased's money whether they will release it to you without requiring a grant. If they agree they may attach conditions and a fee may be payable. It is for you to decide which is the cheaper or easier option.

You will not usually need a grant when a house is held in joint names, as joint tenants, where it is clear that the house automatically becomes the property of the surviving owner.

You will need a grant to transfer or sell a property held only in the deceased's name.

If you need to obtain a grant of representation and wish to make a personal application rather than have a solicitor do it on your behalf, you will need to apply to Bristol (or a Probate Registry more local to you) District Probate Registry (Contact details are on page 18.) You will need to fill out an application form and once it is processed you will be contacted for an appointment. You can either telephone the registry or download the forms from the website (www.hmcs.gov.uk).

The meaning of some of the words used in Wills and Estate matters

Administrator - a person empowered by the grant of letters of administration to deal with the estate of anyone who has died without leaving a will or without appointing an executor in his will (female: Administratrix)

Assent - the document by which personal representatives pass the legal title to land to the person entitled under the terms of the deceased's will or intestacy

Beneficiary - an individual or institution receiving a legacy or benefit under a will or on intestacy

Bequest - a legacy or gift

Bona vacantia - where there is no relative entitled to benefit, the estate passes as bona vacantia to the Crown

Caveat - this procedure prevents the issue of a grant because of an actual or potential dispute

Certified copy - a copy of a document which is usually certified by a solicitor, as being a true copy of the original document

Chattels - personal property including furniture, furnishings and movable goods

Codicil - a properly attested supplementary document to a will

Conveyance - a document which transfers legal title to freehold land from the seller to the buyer

Devise - a gift of real property (land)

Estate - the assets and property belonging to a deceased person

Executor - a person appointed by a will to deal with the administration of an estate (female: Executrix)

Grant of Probate - the court order issued to an executor confirming his appointment and authority to deal with the administration of an estate

Indemnity - an arrangement or agreement to protect an individual against total loss, damage or expense

Intestate - a person who has died without leaving a valid will or without disposing of all of his estate by will

Joint Tenants - in the case of co-owners of property owned as joint tenants, on the death of one co-owner the property automatically passes and belongs to the survivors by reason of survivorship. The interest of the deceased joint tenant does not form part of the estate or pass under their will, but the share is treated as an asset in calculating Inheritance Tax. The other way to hold a property is as tenants in common (see below)

Legacy - a gift under a will. A gift of money is a pecuniary legacy and a gift of a particular item is a specific legacy

Letters of Administration - the official document issued by the court empowering an administrator to deal with the estate of a deceased person

Personal representative - the common term to describe executors and administrators

Residuary estate - What is left of an estate after funeral expenses, debts, legacies/devises and administration expenses have been paid

Tenants in Common - where co-owners own a property as tenants in common, each co-owner has a defined share or interest and on death this share will pass in accordance with his will or the intestacy rules and will not necessarily pass to the surviving co-owners.

Trustee - a person who is granted the legal title of property for the benefit of others. The same people are often appointed executors and trustees in wills.

Frequently asked questions

I am an Executor named in a Will of someone who has died. Do I have to do the work myself?

No! Firstly you can decide not to take on the role. If you choose to act as executor you may wish to instruct a solicitor who can do all the legal and administrative work for you, or just some of it. For instance you may wish him to obtain a grant on your behalf (if necessary) and then you deal with encashing the assets and winding up the estate. If there is a property to be sold then you may wish the solicitor to deal with the sale but not distribute the money. If you feel that there may be problems with difficult beneficiaries then the best course of action may be to use a solicitor

Do I have to meet with the family?

No! You do not have to meet with the family if you choose not to, neither do you have to inform any of the people benefiting from the will until the administration of the estate is nearly completed. It may be prudent to inform a beneficiary of any interest but it is ultimately a matter for the discretion of the executor

How much does it cost to use a solicitor and who pays?

The costs of using a solicitor to assist you will vary, depending on what you want done. Just obtaining a grant may cost under £800 whereas the administration of an entire estate may cost several thousand pounds depending on the size and complexity of the estate. Solicitors usually charge on an hourly rate together with a value element based on the size of the estate. This is something that the solicitor will discuss with you. Solicitors charges are subject to Law Society regulation. The legal cost of doing the work will come out the residuary estate. The residuary estate is the money that is left after debts, funeral and legacies have been paid. Non professional executors may not charge for the work that they do but they may reclaim fees and expenses incurred from the estate

Whose decision is it to use a solicitor?

It is up to the executors to decide whether to have assistance in dealing with the estate. It is not the decision of the beneficiaries. Some beneficiaries may want you to do all the work to save money, but you may feel that this is unfair especially if you do not have a lot of free time or the estate is large or complicated. If there is more than one executor then they must all agree to use a solicitor. Make sure that you do not end up being "stuck" with all the work

I want to do the work myself, and I need to collect the will from the solicitors. How do I do this?

The solicitor will only release the will to the executors or someone else with the written permission of the executors, and on production of the original death certificate. If the solicitor is holding the deeds to the deceased's property then he will usually only release these either to the joint tenant (eg the widow) or, if they are in the deceased's sole

name, on the production of a grant of representation. The solicitor holding the will, will give you more information when you contact him

I have started doing the work myself but I cannot continue with it e.g. it is too complicated, or I no longer have the time to deal with it. What can I do?

A solicitor can take over the administration of the estate for you at any time, or if you chose they can assist you with the more complicated aspects and leave you to deal with the rest. You will be the person making the decisions on what you want to do.

I have heard the term Deed of Variation, what is it?

A deed of variation enables beneficiaries of a deceased's estate to alter the distribution of that estate. It is sometimes known as a deed of family arrangement. If there is a surviving spouse/CP and their estate will be subject to inheritance tax on their death, then by doing a deed of variation you can help to reduce the tax liability. This is especially useful if all the assets pass to the surviving spouse/CP. It

Why is it so important that I make a will?

If you do not make a will then your estate will not necessarily pass to whom you want it to. For instance if you are not married and you die intestate your partner will not be entitled to your estate (other than to jointly held assets which automatically pass to the surviving holder). They will need to make a claim under the Inheritance (Provision for Family and Dependents) Act 1975 which they can only do if they have lived with you for more than 2 years. Making a claim can often be a complicated and lengthy process. Another reason to make a will is if you are married or in a civil partnership and you have children from a previous relationship, you may want to ensure that your children will receive their inheritance and there are ways to do this without leaving your spouse/CP short of cash. You can make Inheritance Tax savings by having wills drafted in the right way, which you cannot do if you do not have wills completed. Last, but most importantly, if you have minor children you can appoint guardians for them in your will. If you do not then it is left to the surviving relatives or the court to choose who will look after your children, and it may not be who you want to look after them.

Some useful contact information

Local Undertakers/Funeral Directors

W. M. Adlam Funeral Service
Frome 01373 452100

D. J. Bewley Funeral Directors
Trowbridge 01225 353525

Frome & District Funeral Services
Frome 01373 462687

F. Curtis & Son
Warminster 01985 212033

Arthur W. Mays
Westbury 01373 822764

N. J. Maggs
Oakhill 01761 418921

Oswald Clarke Funeral Directors
Bruton 01749 813327

E. Emery & Sons
Oakhill 01749 840350

Alfred R.W. Connock & Son
Shepton Mallet 01749 342589

E. Hooper & Son
Bath 01225 422040

W. J. Trotman Funeral Directors
Cranmore 01749 880271

G. F. Hunt Funeral Directors
Bath 01225 424376

Bryan G. Bishop
Paulton 01761 412046

W. F. Dolman & Son
Bath 01225 444110

Curtis Ilott Funeral Services
Coleford 01373 452116

B.H. Mears
Midsomer Norton 01761 412160

Co-Operative Funeral Care
Radstock 01761 433350
Bath 01225 314304

H. H. Evans
Paulton 01761 412364

Elizabeth Snell Funeral Service
Trowbridge 01225 768846

C. S. Bowyer Ltd
Trowbridge 01225 775259

Barker & Courtiers
Trowbridge 01225 752637

Local Register Offices

Frome: 01373 462887

North Somerset: 01934 627552

Wiltshire: 01225 713120

Bath & N E Som: 01225 477234

General Contacts

British Gas

Admail AA3119
Southampton
SO14 0NU
Tel: 0845 9555614

BT Plc

Correspondence Centre
Durham
DH98 1BT
Tel: 0800 800150

Southern Electric

PO Box 7506
Perth
PH1 3QR
Tel: 0845 7444555

Wessex water

1 Clevedon Walk
Nailsea
Bristol
BS48 1WW
Tel: 0845 6003600

Bath & N.E. Som Council

Guildhall
High Street
Bath
BA1 5AW
Tel: 01225 477000

Mendip District Council

Cannards Grave Road
Shepton Mallet
Somerset
BA4 5BT
Tel: 01749 648999

West Wiltshire District

Bradley Road
Trowbridge
Wiltshire
BA14 0RD Bristol
Tel: 01225 776655

Council Bristol District Probate Registry

Ground Floor
The Crescent Centre
Temple Back
BS1 6EP
Tel: 0117 9273915 / 9264619

Probate/Inheritance Tax Helpline

Tel.: 0845 3020900

Pension Service Tel: 0845 3013011

Disclaimer:

This is a short summary only and not intended to be a definitive guide to the law. You are advised to seek proper legal advice.