

Applying for probate



1. Register the death

In order to register the death you will need to have a medical certificate from a GP or hospital doctor. You can usually use the 'Tell Us Once' service to report a death to most government organisations. Tell Us Once will notify HMRC, Department for Work and Pensions, DVLA, Passport office and local council. It's always best to get several copies of the death certificate as these will be needed (see 3. below).

2. Arrange the funeral

Generally the funeral can only take place after the death has been registered.

3. Register death at other non-governmental organisations

You will need to notify the deceased's bank, mortgage, pension or insurance providers and utility services of the death, you will either close or change the details of the account. Some organisations may require sight of the death certificate and/or the will. The paperwork from the various organisations should enable you to ascertain if it is necessary to obtain probate.

4. Collate the deceased documents

This is useful to ensure that you have informed all relevant organisations of the death. Also it is beneficial to have a list of the asset's within the estate and the values at the date of death. Letters may be required to organisations to obtain details of the valuations at the date of death. You should also locate the will as this may contain specific directions concerning their funeral wishes.

5. Dealing with income and capital gains tax to the date of death

If you have used the Tell Us Once service then HMRC and the Department for Work and Pensions should contact you about the deceased's tax, benefits and entitlements.

HMRC should contact you if they require a form R27 and/or a tax return to the date of death to be completed.

6. Grant of Probate (Representation)

You may have to apply for a grant of probate. This gives you the legal right to deal with the person's property, money and possessions. You can apply yourself or use a professional such as a solicitor or other authorised professional, such as Rickard Luckin. In some cases, a grant of probate may not be required if the estate is either passing to the surviving spouse because it is held in joint names, or the estate does not include land, property or shares.

Using a professional to apply for probate

There are various reasons why you may consider using a professional, such as, if there are a numerous assets which have to be valued then sold, there are various beneficiaries, there may be Inheritance Tax relief available which you are unaware of.

Apply for probate in person

If the estate is simple, you may consider applying for probate yourself; this will avoid the fees in relation to using a professional. However, some people prefer to be guided through this process.

Regardless of whether you use a professional or apply for probate yourself, the following steps are relatively similar.

7. Obtaining values of the assets within the estate at the date of death

- Valuations of all assets will be required
- Banks will be able to inform you of the balance at the death and any accrued interest (interest which has been earned but not yet paid)
- **Property and land** - a chartered surveyor or estate agent should normally be used here
- **Stocks and shares** - ask a stockbroker for a probate valuation or refer to the stock exchange daily official list (this can be obtained from public libraries or purchased)
- **Business interests** - these will need to be valued by an accountant, evidenced with a copy of the latest three years accounts and copy of any partnership agreement (if applicable).

8. Obtaining details of outstanding debts

When valuing the estate you can deduct their debts at the date of death from their assets. Debts which may need to be considered include mortgages, loans and credit cards, uncashed cheques, funeral expenses.

9. Obtain details of any gifts

You will only need to consider gifts in the seven years prior to the death. An exception to this is if an asset was gifted and after the gift the individual continued to benefit from the asset, this is called a 'gift with reservation'. If an asset falls within the gift with reservation rules then this asset will form part of the deceased's estate.

10. Probate application form (PA1P or online)

This form requires details of the will, relatives of the deceased, details of the person applying for probate, details of the deceased and the assets held at the date of death. Generally, probate is now applied for online.



11. Establish if there is any Inheritance Tax to pay

In simple cases you can use boxes 111 to 117 on form IHT 400 to work out the amount of Inheritance Tax (IHT) payable. Alternatively you should contact a professional to help you with this calculation.



12. Complete an Inheritance Tax form

Even if you do not think that any IHT is owed, a form will still need to be completed. The IHT forms are listed below:

- **Form IHT205** - this form must be completed if there is no IHT to pay or if everything over the nil rate band passes to the spouse or a charity registered with HMRC. You can't use this form if the estate is worth more than £1 million even if there is no IHT to pay. This form is now only relevant for deaths prior to 31 December 2021.
- **Form IHT217** - this form must be completed if the person who died did not use any of their nil rate band and you want to transfer 100% of the nil rate band to their widow. Again, this form is only relevant for deaths prior to 31 December 2021.
- **Form IHT207** - this form must be completed if the person who died lived permanently abroad and had less than £150,000 in UK assets consisting of cash, bank accounts or listed stocks and shares.
- **Form IHT400** - this form must be completed if there is IHT to pay, or if the deceased only used part of their nil rate band, and therefore less than 100% of the nil rate band can be transferred to their widow.
- **Form IHT402** - this will also need to be completed in addition to an IHT 400 if part of the nil rate band is to be transferred to the spouse.

There are various other forms which will be required to be completed if an asset qualifies for a form of IHT relief or to provide additional information.



13. Arrange funds to pay Inheritance Tax and probate fees

These amounts will need to be paid before the grant of probate will be issued and therefore before it is possible to claim the assets of the estate.



14. Sending your application

Once the Inheritance Tax has been paid, send the Inheritance Tax forms to HMRC.

Within four weeks, you should then receive a code which will allow you to proceed with the probate application.

You should then proceed with the probate application online (or on paper).

You will need to send the original will and any codicils and pay the application fee.



15. Receive the grant

You should receive the grant through the post within 12 weeks of submission.



16. Once the grant has been issued - realise the assets

You should send a copy of the grant to organisations that hold the deceased's assets. They should then release any assets so you can transfer them into the executorship account.

If the person had a pension, you should contact the pension scheme's administrator as their widow may be entitled to money from it.

If the estate is complex it may be beneficial to open a personal representative's bank account on behalf of the estate.



17. Pay debts

Once you have realised the assets you should settle any debts or outstanding payments before distributing the estate.

A notice should be placed in The Gazette to give creditors the chance to claim anything they are owed. This will protect you from responsibility for any further debts.



18. Produce estate accounts

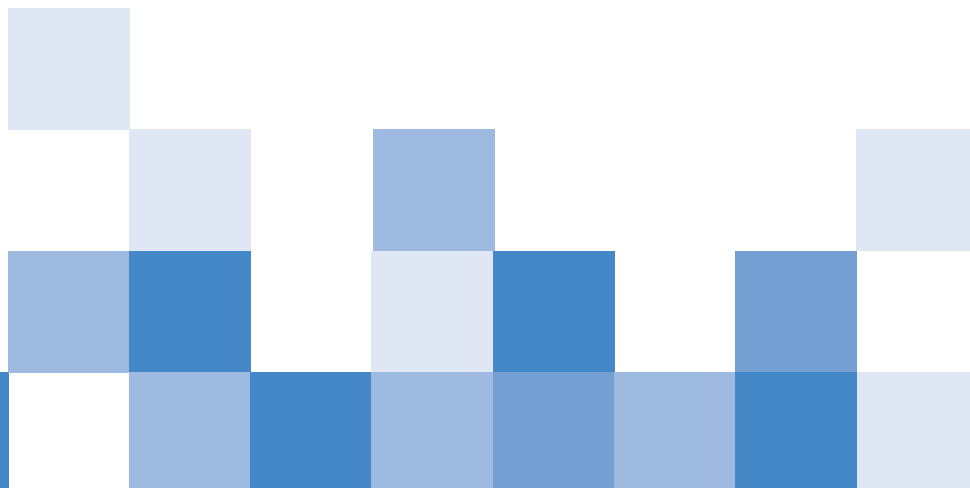
Once the assets have been claimed and after all debts have been paid, final estate accounts should be prepared. These must be approved and signed by all the personal representatives and the main beneficiaries.

The final accounts are a summary of the estate. They include a summary of the assets, liabilities at the death of death, income received and expenses incurred during the period of administration, changes in asset value, details of the distribution of legacies and residue to beneficiaries.



19. Distribute the estate

Once the accounts have been agreed, the assets and/or money can be distributed to the beneficiaries.



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