

HARGREAVES
LANSDOWN

WHAT TO DO WHEN SOMEONE DIES

A guide for executors
and administrators

IMPORTANT INFORMATION

We've written this guide to give you practical information about what to do if you have the responsibility of dealing with someone's estate after they've died. We hope you find it useful, but it's not exhaustive or definitive and isn't personal advice.

If you're unsure about what to do you should seek guidance, perhaps from Citizens Advice. If the situation's complex you may decide to pay a professional to help, like a solicitor or tax adviser.

The information in this guide is correct as at 25 March 2021, and all figures apply to the 2021/22 tax year, and English tax law. Rules around financial products and tax can change, and benefits will depend on individual circumstances. If you need specific advice about tax, you should contact a tax specialist.

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YOUR ROLE

Seven steps

We appreciate that losing someone close to you can be extremely difficult to cope with. On top of this, having to sort the financial side of things can add stress to your situation, especially if finances aren't something you're used to dealing with.

We hope this guide gives you useful information to help you get things in order. We've also included a checklist at the back to help you keep track of everything that needs to be done.

Whether you're an executor or administrator, your role is the same – to administer the estate of the person who's died and distribute their assets.

There are seven steps to take:

1. **Register the death**
2. **Value the estate**
3. **Apply for probate and grant of representation**
4. **Pay any inheritance tax due**
5. **Access the assets**
6. **Pay off any debts and other tax owed**
7. **Distribute the estate**

The whole process is commonly known as '**administering the estate**', and can often take around six months or longer to complete, depending on how complicated the situation is.

JARGON BUSTER

Translating the legal terms

Your role as executor or administrator means you'll have to apply for certain authorities to be granted and you may need to complete several forms. The documents you'll need during the process, and some of the terms used, will be slightly different depending on where you live in the UK, and whether or not there's a Will. To help, we've put together a list of common terms and phrases below.

ESTATE

A person's estate includes everything they own, and everything that's registered in their name. Though pensions aren't normally included.

PROBATE

This is the legal process of dealing with someone's estate after they've died, commonly known as **administering the estate**. This involves identifying and valuing all of the person's assets (their money, property and belongings) and paying any debts and taxes due, then sharing out what's left.

EXECUTOR

The person, or persons, named in a Will, and confirmed by the Grant of Probate, who should deal with the estate following a person's death.

ADMINISTRATOR

Also known as **executor dative** in Scotland, this is the person who gets authority to deal with an estate when there isn't a Will. You can usually apply for this if you're the deceased person's next of kin (e.g. spouse, civil partner or child). You can't apply if you're the partner of the person but weren't their spouse or civil partner when they died.

PERSONAL REPRESENTATIVE

The personal representative is responsible for administering the estate. This is the general term for an executor or administrator.

GRANT OF REPRESENTATION

Depending on the value of the estate you may need to apply for a grant of representation, which can take around 8 weeks to issue. This is the official document that allows executors or administrators to administer the estate. In Scotland, this is called a **certificate of confirmation**. The type of document issued will depend on whether or not there's a Will. You'll need to contact your local Probate Registry to apply for a grant of representation.

GRANT OF PROBATE

Where there's a Will, the grant of representation document will be a grant of probate. This is usually issued to the executor(s) named in the Will, giving them the legal right to administer the estate.

LETTERS OF ADMINISTRATION

Where there's no Will, the grant of representation document will be letters of administration. This is issued to the administrator(s) giving them legal authority to administer the estate.

DEATH CERTIFICATE

This can either be the interim death certificate, issued by a qualified doctor or coroner, or the death certificate issued by the registrar after registering the death. Both documents will confirm the date, location and cause of the person's death, if known.

A TRUST

This is a legal arrangement where one or more people or a company (called the trustees) manage money or assets (called the trust property) which they must use for the benefit of one or more people (the beneficiaries).

STEP ONE

Register the death

This needs to be done within five days (eight days in Scotland) of the person's death, unless the cause of death is under investigation. Once the death's been registered, a death certificate and a certificate for burial or cremation will be issued.

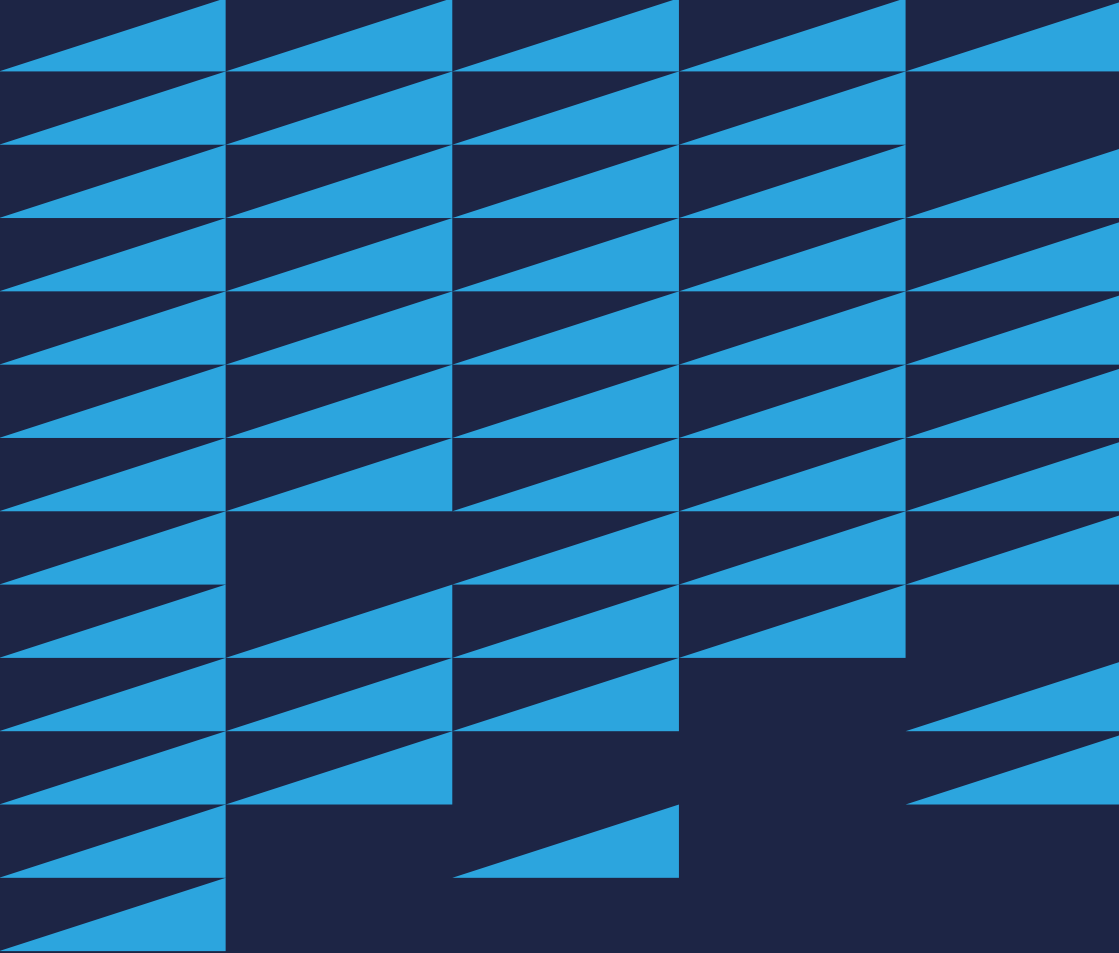
If the person died in the UK, you can usually make an appointment at any UK register office to register the death. Any certificates or forms you might need will be sent to the office in the area where the person died, before being sent to you.

To register the death you'll need the medical certificate showing the cause of death (signed by a doctor). You should also take supporting documents if you can, like the deceased's passport, marriage or civil partnership certificate and proof of address. It may be useful to take proof of your own identity and address (e.g. drivers licence and utility bill) for the official record too.

If the person died abroad, you must register the death according to the regulations in the country where they died. You'll then be given a local death certificate.

This local death certificate will be accepted in the UK, but it may need to be a certified translation of the document if it's not in English.

To find out more about registering a death in the UK or abroad visit www.gov.uk/register-a-death



STEP TWO

Value the estate

The next step is to calculate the value of money, property and possessions (the estate) of the deceased. This is known as a probate valuation, and the process can take six months or longer depending on the size of the estate and how complicated the situation is (for example if there are trusts involved or taxes to pay).

YOU NEED TO DO THREE THINGS:

1

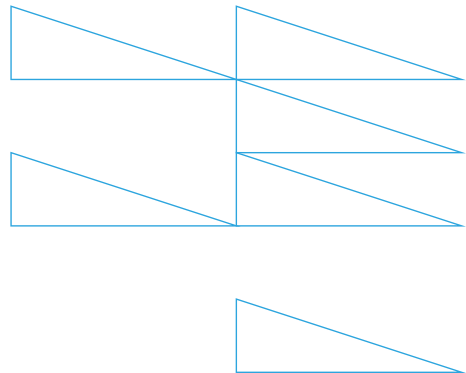
Contact organisations and ask for the value of assets held or debt owed

2

Calculate the estate's value

3

Report the value of assets and debt to HM Revenue and Customs (HMRC)



Contacting organisations

This includes government organisations, banks and investment or utility providers (there's a detailed list in the back of this guide to help you). Going through the deceased person's paperwork can help you find the right organisations to contact including bank statements, utility bills and credit agreements. You could also ask other people for help, such as the family members, solicitor, or accountant of the person who's died.

Once you've worked out who you need to contact, we'd suggest calling them first. They won't all have the same process, so it's worth finding out what you'll need to provide in advance. Most will need to see the original death certificate, or an official copy, before they'll discuss any account details or values with you.

We'd also suggest asking for any standing orders and direct debits to be stopped, and confirmation of whether they hold any share certificates or deeds for the person who died. You should also check whether charges will be frozen and if any payments need to continue (for example, mortgage payments).

You won't have the power to move any assets until you've been issued with a grant of representation. Until that time, the value of any assets will continue to change in line with normal market fluctuations. Dividends will continue to accumulate from investments and interest will be applied to any cash held. This means there might be a difference between the values you're initially given and the value of the estate when it's finally distributed.

Helpful tip: you can ask the register office for extra official copies of the death certificate (fees will apply) so you can notify several organisations at the same time.

You can do this when you register the death, online or by calling the General Register Office on **0300 123 1837**.

'TELL US ONCE' SERVICE

This is a government service which lets you report a death and ask for values from most government organisations in one go. It's available online or by phone. Organisations include:

Organisations include:

- **HM Revenue and Customs (HMRC)**
– to deal with tax and rebates
- **Department for Work and Pensions (DWP)**
– to cancel benefits e.g. income support
- **Passport Office** – to cancel a British passport
- **The local council** – to cancel benefits and services (e.g. a Blue Badge), inform council housing services and remove the deceased from the electoral register
- **Driver and Vehicle Licensing Agency (DVLA)** – to cancel the deceased's driving licence
- **Veterans UK** – to cancel Armed Forces Compensation Scheme payments
- **Public sector or armed forces pension schemes** – to stop pension payments

Unfortunately this service isn't available everywhere in the UK, or if the person died abroad in some cases. When you register the death the registrar will let you know if the service is available in your area, and give you a unique reference number to use.

To use this service, you'll need the deceased's:

- Date of birth
- National Insurance number
- Driving licence number
- Vehicle registration number (if they have one)
- Passport number

You'll also need:

- Your unique Tell Us Once reference number
- Details of any benefits or entitlements they were getting (e.g. State Pension, pension credit)
- Details of any local council services they were getting (e.g. Blue Badge)
- Name and address of their next of kin, including any surviving spouse or civil partner
- Name, address and contact details of the person(s) or company dealing with the estate (executors or administrators)
- Details of any public sector or armed forces pensions they had

Calculating the estate's value

You need to work out the value of the estate to find out if there's inheritance tax to pay. If there is, it'll affect how you report the value to HMRC, as well as deadlines for reporting and paying any tax owed.

Inheritance tax won't need to be paid if the total value (after taking into account gifts made before they died) is below the inheritance tax nil-rate band (currently £325,000), or everything passes to the deceased's spouse, civil partner, a charity or a community amateur sports club.

If the person who died owned, or recently sold, a house the threshold could increase to up to £500,000 due to the residence nil rate band (currently £175,000).

VALUING ASSETS

Start by making a list of everything the person owned with a value, then estimate the realistic value, or selling price, as at the date the person died. These might include:

- **assets held by organisations you've written to** – such as money in the person's bank account or ISAs, pensions or investments
- **possessions (also known as chattels)** – for example their house, jewellery, furniture or car (for items worth more than £500, you may need to ask a specialist retailer or dealer for an accurate valuation)
- **payments received when they died** – for example life insurance or a lump sum 'death benefit' from a pension

VALUING JOINT ASSETS

Bank and building society accounts, stocks and shares, and houses and land are often owned in joint names. If the deceased owned any joint assets, you need to work out the value based on the deceased's share of the assets.

For example, with a house there are two ways to establish joint ownership. 'Joint tenancy' is common among married couples and civil partnerships. Both have equal rights to the whole property and when one dies the total ownership is automatically passed to the survivor. To work out the deceased's share, just divide the total value of the asset by two.

'Tenancy in common' means different shares of the property can be owned by different people, and the deceased person's share can be passed on to anyone named in their Will. To work out how much this might be, you'll need to confirm the total asset value and what proportion the deceased owned.

If you're unsure how a property's owned, contact the mortgage company, check with HM Land Registry or get legal advice.

VALUING 'GIFTS'

Gifts can include assets (for example cash) given away in the seven years before the person died. Check bank statements or contact family members to find out if gifts of cash, or other assets, were made during that time. If the person who died made frequent or significant gifts, we'd suggest seeking expert help to calculate whether any inheritance tax might be due.

ONLY INCLUDE GIFTS WHICH:

- **were made in the last 7 years before the person died, and totalled £3,000 or more in a tax year** – you don't need to include exempt gifts, such as those between spouses or civil partners, or to charities or political parties. Use the value of the gift when it was made.
- **the deceased continued to benefit from** (for example if they continued to live in a property rent-free after giving it away). Use the realistic selling price of the gift when the deceased stopped benefitting from it.

If the person gave away £325,000 or more before they died, those who received the gifts may have to pay inheritance tax.

Reporting the estate value

This must be done before you can apply for probate and grant of representation, and the form you need will depend on the total value of assets held and gifts made.

1. Less than £325,000, you can report the value using an IHT205 form (C5 form for Scotland).
2. £325,000 or more, you'll need to complete an IHT400 form.

You can download and complete these forms at www.tax.service.gov.uk/inheritance-tax or call the inheritance tax helpline on **0300 123 1072** to ask for a postal copy.

DEBTS

It's your responsibility to make full enquiries into what debts are owed, which you'll need to confirm when completing the above forms. This could include mortgages, credit cards and personal loans. Certain liabilities can also count as debt, such as household bills or goods and services the deceased received but hadn't yet paid for in full.

Don't forget to include expenses too. These could include funeral costs, potential legal and probate fees, as well as your own expenses paid as executor or administrator. These costs can be settled from the estate before the assets are distributed.

Helpful tip: you might consider placing a notice in the local newspaper and London Gazette announcing that claims against the estate should be made by a certain date (perhaps within a couple of months). This can give any creditors you're unaware of the chance to claim anything they're owed, and could help protect the personal representatives from responsibility later on. If in doubt seek legal advice.

STEP THREE

Apply for probate and grant of representation

The grant of representation is issued by the probate registry office and is the document confirming your legal authority to administer the estate of the person who's died. Organisations almost always need an official and sealed version of the grant of representation before they'll release any assets to you.

You can apply for probate and grant of representation yourself or through a legal representative, such as a licensed solicitor.

If there's a Will and you're named as an executor, you'll usually be issued a grant of probate.

If there isn't a Will you'll need to apply to be the administrator of the estate. In this case, you'll be issued with letters of administration (or certificate of confirmation, if the deceased lived in Scotland).

A fee is charged by HM Courts Service to issue the grant of representation and extra official copies are available for a small charge (providing they're requested at the same time as the original grant). Extra copies are worth getting so you can send them to different organisations at the same time.

Apply by post

You'll need to send the following documents to your local probate registry office:

- probate application (PA1 form)
- the original Will and any additions to it
- two copies of the signed Will and additions on plain A4 paper
- the death certificate or an interim death certificate from the coroner
- the application fee (where applicable) – a cheque made payable to HM Courts and Tribunals Service

You'll also need to swear an oath that the information you've given is true to the best of your knowledge. Details about how to make an appointment to do this will be sent to you by the probate registry after you submit your application.

You can request a probate application from your local probate registry office, or download a copy from www.gov.uk/government/publications/apply-for-probate-form-pa1

Apply online

To use the online service the person who died must have lived in England or Wales most of the time. You must also be an executor named in the Will and have:

- the original Will
- the original death certificate or an interim death certificate from a coroner
- already reported the estate's value

If you apply online you'll make a 'statement of truth' so you won't have to swear an oath in person, but you'll need to send the documents above by post after you submit your online application.

To find out more call the probate helpline on **0300 123 1072**

Or visit **www.gov.uk/wills-probate-inheritance/applying-for-a-grant-of-representation**

After you've applied

You'll usually get the grant of representation within 20 days of swearing the oath (if you applied by post) or sending your documents (if you applied online). You can then send this to the appropriate organisations that hold the estate's assets.

When you might not need to apply

You may not need a grant of representation if:

- the estate is just made up of cash and personal possessions such as a car, furniture, and jewellery
- all the property in the estate is owned as joint tenants or all money held in joint bank accounts – property and money automatically becomes wholly owned by the other owner or account holder
- the amount of money is small – if, after the funeral expenses have been paid, the amount of money held by an organisation is under a certain amount, they might be prepared to release it to you without a grant of probate or letters of administration. This amount may vary from one organisation to another, so you'll need to check with each one
- you discover that the estate is insolvent – there's not enough money in the estate to pay all the debts, taxes and expenses due

STEP FOUR

Pay any inheritance tax due

Once you've reported the estate value to HMRC they'll tell you whether there's any inheritance tax to pay, how much is owed, and when you need to start paying.

You'll usually need to get an inheritance tax reference number from HMRC at least three weeks before you make a payment. You can apply for a reference number by completing an IHT422 form, which you can complete online or download at www.gov.uk/paying-inheritance-tax/get-a-reference-number

You can make a payment from your own bank account or an account you held jointly with the person who died. If you're paying from your own bank account, you can claim the money back from the deceased's estate once you get a grant of representation (confirmation in Scotland).

You can also ask banks or building societies to pay some or all of the inheritance tax due directly from the deceased person's accounts. This is called the 'Direct Payment Scheme'.

STEP FIVE

Access the assets

Once the relevant organisations have everything they need from you (usually including sight of the grant of representation) you can start to move and collect the assets they hold.

If there's more than one executor named on the grant of probate, they'll usually all need to confirm their agreement to any decisions made.

Some assets might be sold or withdrawn (perhaps to pay debt, funeral costs or tax). In which case many executors and administrators open specific bank accounts to hold the proceeds before distributing them.

There might also be assets which aren't sold or withdrawn, and instead transferred into the name of a beneficiary (for example, property or investments). This can avoid sale costs and may be a preferred option. It's important to involve the beneficiaries before giving any instructions.

STEP SIX

Pay off any debts and other tax owed

You're responsible for making sure you settle any debt or outstanding taxes on the estate before distributing the assets. This includes taxes owed in the current tax year (and previous years) and tax applied during the administration period (the time between the day after the death and the date the estate's assets are distributed).

Paying debts

You can use the money in the estate to pay off any debts that aren't covered by insurance. Debts would normally be paid off in this order of importance:

- secured debts, such as mortgage payments
- reasonable funeral costs and the costs of administering the estate (such as solicitors fees)
- unsecured debts, such as credit cards, utility bills, unpaid rent, Council Tax and other taxes

If there are more debts than the estate can pay back, this is called an 'insolvent estate'. In this situation, it's best to seek the advice of a solicitor or a probate specialist.

Paying outstanding tax

Once you've told HMRC that the person has died (remember to use the governments Tell Us Once service if you can), they'll work out whether the right amount of tax has been paid up until the date of death. They'll tell you what tax they need to collect or repay, and whether they need you to fill in a self-assessment tax return on the deceased's behalf.

If there are any tax bills outstanding they should be paid from the deceased's estate. You don't need to use your own money. You'll need to let HMRC know if the value of the estate isn't enough to cover the tax owed, or if you're still waiting for grant of probate (or confirmation in Scotland) to get access to the assets.

You might need to complete a self-assessment tax return if the person who died was self-employed or had foreign or rental income. If a tax return's needed HMRC will usually send this within three months of being told who the executors or administrators are.

Helpful tip: for advice on paying tax owed on an estate, or to request a reference number for a tax return, call the HMRC Deceased Estates Helpline on **0300 123 1072**.

Tax applied during administration period

Any money the estate makes or receives during the administration period needs to be reported to HMRC so that tax can be paid. This could include any untaxed income received such as rental income, interest from savings or dividends from investments. You may also need to pay tax on any increase in estate value from assets sold during the administration period (also known as capital gains).

The tax that needs to be paid will depend on the size of the estate and how much money is received or made during this period. The estate isn't entitled to the personal savings or dividend allowances during this time, and interest may be charged on any outstanding tax until it's paid.

You may also need to send a separate tax return if:

- the estate was worth more than £2.5 million at the date of death
- the total Income Tax and Capital Gains Tax due for the administration period is more than £10,000
- more than £500,000 came from the sale of the estate's assets by administrators or executors (for deaths after 5 April 2016)

After you've sent this information to HMRC, they'll tell you how much the estate owes, and by what date this needs to be paid.

STEP SEVEN

Distribute the estate

Once all debts and taxes have been paid, you can distribute the estate. As mentioned, you'll have the choice to transfer ownership of assets to one or more of the beneficiaries, or sell the assets and distribute the estate as cash.

If there's a Will

The beneficiaries of the estate should be clearly detailed in the Will. Their entitlements should also be listed as set amounts or percentages of the assets held.

If the Will contains plans for a trust to be set up, you should contact those nominated as trustees. Usually the Will itself will be enough to create the trust with no further documentation, though you may consider using a solicitor as trusts can be complicated.

If there's no Will

The estate will need to be distributed according to certain rules. These are called the rules of intestacy, where only a spouse, civil partner and some relatives can inherit the assets from the estate. These rules also apply if a Will isn't legally valid.

For more information on intestacy go to www.gov.uk/inherits-someone-dies-without-will

Deeds of variation

In some situations, beneficiaries might agree to vary their entitlements. This can happen when a Will was made many years ago and the beneficiary's situation's changed, often relating to tax planning. This changes what was previously set out in the Will, so can only go ahead if all affected beneficiaries agree. If you think a deed of variation might be needed, we'd strongly recommend you seek advice from a solicitor first.

IT'S NOT ALL ABOUT FINANCE

Seeking emotional support

The death of a loved one is devastating, and coping with grief can be extremely difficult. Many people might feel that speaking to family and friends about their loss can help during these times.

But if you'd prefer, or feel like you need, confidential support from outside your immediate circle, there are lots of professional charities and organisations who can help.

CRUSE BEREAVEMENT CARE

Helping people to understand and cope with their grief following the death of a loved one.

Call: 0808 808 1677

www.cruse.org.uk

SAMARITANS

A completely confidential service offering support for any type of emotional distress.

Call: 116 123

www.samaritans.org

CHILD BEREAVEMENT UK

Information and support following the loss of a child or parent.

Call: 0800 02 888 40

Email: support@childbereavementuk.org

www.childbereavementuk.org

NATIONAL FUNERAL DIRECTORS

Help and support with funeral planning and finding a registered funeral director in your area.

Call: 0121 711 1343

www.nafd.org.uk

LIST OF ORGANISATIONS

Who you need to contact and what they might hold

Banks/building societies/credit unions

- Current accounts
- Deposit and savings accounts (e.g. cash ISA)
- Credit cards, store cards
- Mortgage accounts
- Personal loans
- Other borrowings and finance (hire purchase, leases, interest-free credit purchases)

Insurance companies

- Building, house and contents insurance
- Car insurance
- Life and health insurance
- Insurance investment products e.g. investment bonds, endowments
- Other insurance policies

Brokers/financial advisers/investment providers/portfolio managers

- Unit trusts/OEICs
- Venture Capital Trusts/Enterprise Investment Schemes
- Stocks and Shares ISA
- Shares registrar (this will be on the bottom of any share certificates)
- Retail bonds

Other savings and investments

- National Savings and Investments, including Premium Bonds (www.nsandi.com)
- Peer-to-peer and crowdfunding investments

Employers and pension providers

- Death in service benefits
- Outstanding pay, bonus or holiday pay
- Share options or SAYE schemes
- Company and workplace pensions
- Private pensions e.g. personal pensions, stakeholder pensions, SIPPs
- Public sector or armed forces pension schemes

Utility providers

- Electricity, gas, water
- Telephone, mobile phone
- TV Licensing, broadband

Miscellaneous

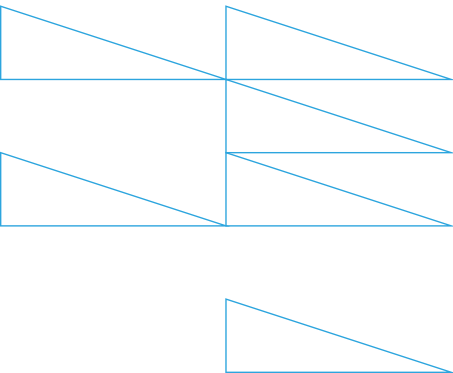
- Registrar of deaths
- Solicitor or legal adviser
- Doctor, dentist, optician
- Agency providing home help
- Landlord
- Clubs/societies/religious organisations
- Royal Mail (to arrange a re-direction service)

Tax and government departments (including council tax)

- HM Revenue and Customs (HMRC)
- Department for Work and Pensions (DWP)
- Passport Office
- The local council
- Driver and Vehicle Licensing Agency (DVLA)
- Veterans UK

Who else can help?

- Unclaimed asset register (www.uar.co.uk)
- Lost pensions
(www.findpensioncontacts.service.gov.uk)
- Accountant, tax adviser
- Tell Us Once service (see page 10)



CHECKLIST

What you need to do

LEGAL THINGS TO SORT

Get a medical certificate showing cause of death from the hospital/doctor

Register the death

Get the death certificate and extra official copies if needed

Check if there's a Will and if there's any specific requests
(e.g. preference for burial or cremation)

Contact funeral director

Notify solicitor/accountant

ORGANISATIONS TO CONTACT (USE THE TELL US ONCE SERVICE IF YOU CAN)

HM Revenue and Customs (HMRC) to deal with tax

Department for Work and Pensions (DWP) to cancel any benefits
e.g. Income Support

HM Passport Office (HMPO) to cancel a passport

Driver and Vehicle Licensing Agency (DVLA) to cancel a driving licence

The local council to cancel housing benefits, council tax benefits, a Blue Badge,
inform council housing services and remove the person from the electoral register

Other organisations to contact (listed on pages 22 and 23)

FINANCIAL THINGS TO SORT

Value their estate – assets, gifts and debt

Report the value of assets and debt to HMRC

Apply for probate and grant of representation – either as executor or administrator

Pay any Inheritance Tax due

Gain access to assets and set up any necessary bank accounts to receive proceeds

Pay any other outstanding tax owed – current tax year, previous tax years and tax due during administration period

Contact beneficiaries

Distribute assets as set out in the Will, or by the laws of intestacy

ABOUT US

How to get in touch

HL is a secure, FTSE 100 company helping UK savers and investors for 40 years. We believe in empowering people to save and invest with confidence by providing the tools and information needed to help make their own decisions.

The investment accounts we offer include ISAs (Individual Savings Accounts) Fund and Share accounts, and SIPPs (self-invested personal pensions). We also offer cash savings products.

To find out more about our full range of services and the investments we offer visit www.hl.co.uk

If you have any questions, please call our helpdesk on **0117 900 9000**

(Monday to Friday 8am-5pm
and Saturday 9:30am-12:30pm)

Or write to us:

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