

The grant of representation

A person's representatives require a grant of representation from the Probate Registry, showing their entitlement to deal with the estate (unless the estate is very small, with no freehold or leasehold property, such as a house or flat). We can usually tell you straight away if a grant is needed and handle all the necessary paperwork.

If the deceased left a will, the application to the Probate Registry is for a 'grant of probate'; if the deceased did not make a will and therefore died 'intestate', the application is for a 'grant of letters of administration'.

If properly prepared, a will should comprise the full extent of an estate and how it will be distributed. In the absence of a will, the law sets out who is entitled to any inheritance. Our team can usually tell you at an early stage which people are entitled to the estate and in what shares.

Before applying for a grant of representation, the value of an estate is assessed. This may involve writing to banks, building societies, company registrars, investment managers and financial advisers, national savings and life insurance companies. Valuations of assets such as shareholdings, personal effects (such as furniture or jewellery) and any property or land owned, including a house or flat, may also be needed. We will be able to advise you about the forms that need to be completed and signed by you.

In a smaller, simpler estate there will be less paperwork to complete than in a larger, more complex or taxable estate.

Details of any outstanding bills and funeral expenses will be needed, as these can be deducted before inheritance tax is calculated. We can usually arrange payment of funeral expenses from any building society or bank account.

Personal representatives are responsible for settling all liabilities of the estate, even those unknown to them. We can advise you about procedures that will limit your liability as a personal representative for unknown debts.

Applying for the Grant of Representation

When the papers have been prepared, representatives are required to swear an oath before a solicitor before signing. At this stage, any other papers for submission to HMRC are also signed. We can arrange this for you.

Inheritance Tax is paid at this stage. The application for probate is also lodged with the Probate Registry with the probate fee, usually £155. When the papers have been prepared and signed, we can let you know how quickly we expect to receive the grant from the Probate Registry.

After the Grant has been obtained

Official copies are sent to banks, building societies and others holding money and property. Assets may need to be sold to meet fees and debts, but it is then possible to close accounts and sell property and investments. The proceeds can be paid into a Client Account, protected by the Solicitors Regulation Authority's rules. At this stage, we prepare estate accounts which will show assets and payment of bills and legacies.

Once the bills are settled, legacies under the will can be distributed. Finally, confirmation is sought from HMRC that no more tax is due, allowing us to finalise accounts, hand over remaining entitlements to beneficiaries and obtain receipts. We can also deal with setting up the necessary trusts under the will or intestacy, if any.