
IDENTIFYING THE LEGAL NEXT OF KIN

Only certain people are legally allowed to apply for a Letter of Administration. There is a strict legal ‘pecking order’ of who can apply, based on their relation to the deceased person.

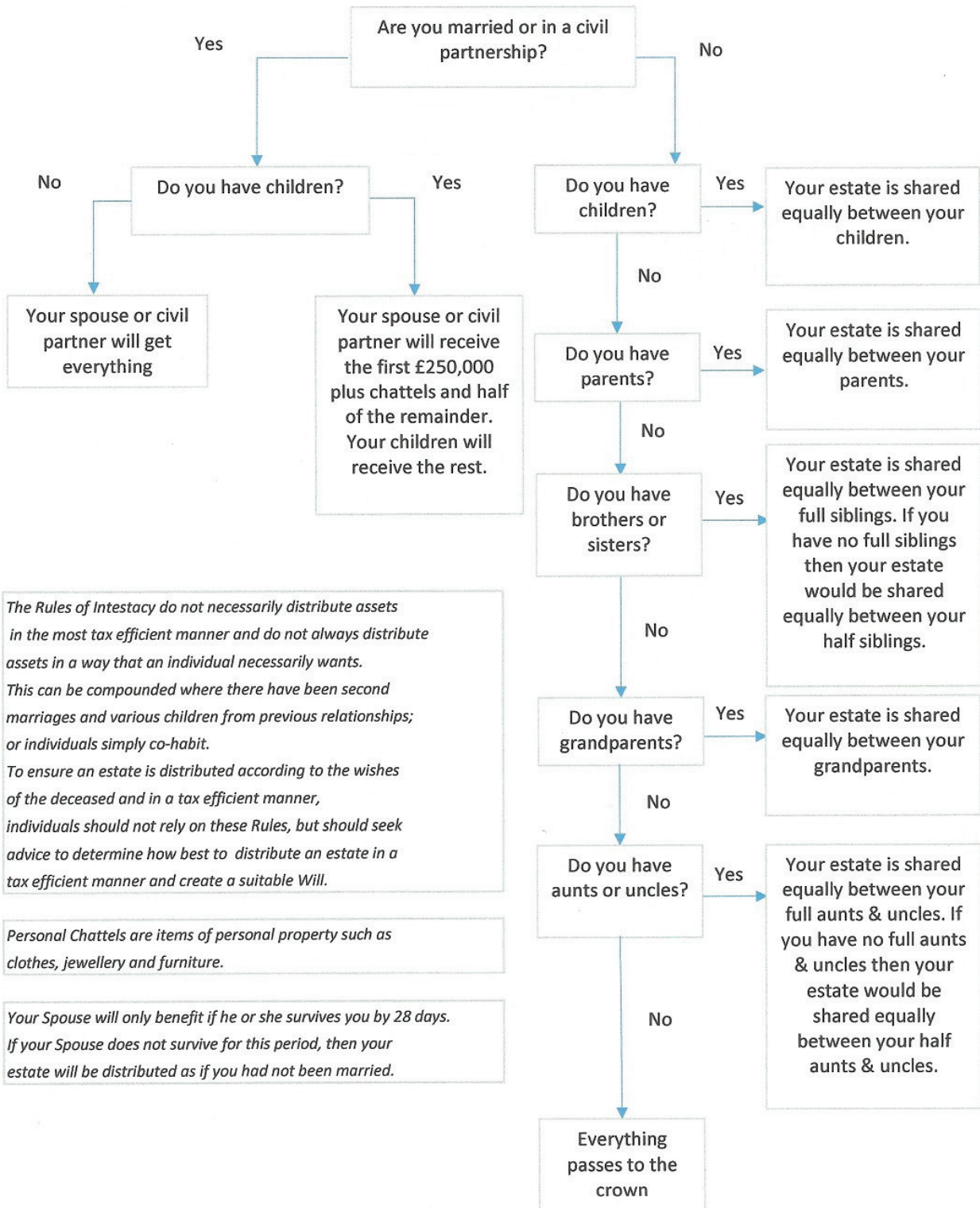
To identify that person move down the list below. The person(s) that appears highest up the list is responsible for applying for the Letter of Administration:

1. The husband, wife or registered civil partner (**not** unmarried or “common law” partners).
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2. Children. (If the deceased was unmarried or divorced and had children under the age of 18, the surviving parent of the children is responsible for dealing with the Letter of Administration requirements).
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3. Grandchildren.
↓
4. Parents.
↓
5. Brothers and sisters.
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6. The children of brothers and sisters (i.e. nieces/nephews).
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7. Brothers and sisters of the half-blood (they have just one parent in common) of the deceased.
↓
8. Grandparents.
↓
9. Uncles and aunts.

WHO INHERITS WHAT, WHEN THERE ISN'T A WILL

The law (Section 46 of the Administration of Estates Act 1925) sets out who inherits what when someone dies without leaving a Will - called the “**Intestacy Rules**”

Intestacy Flowchart



The Rules of Intestacy do not necessarily distribute assets in the most tax efficient manner and do not always distribute assets in a way that an individual necessarily wants.

This can be compounded where there have been second marriages and various children from previous relationships; or individuals simply co-habit.

To ensure an estate is distributed according to the wishes of the deceased and in a tax efficient manner, individuals should not rely on these Rules, but should seek advice to determine how best to distribute an estate in a tax efficient manner and create a suitable Will.

Personal Chattels are items of personal property such as clothes, jewellery and furniture.

Your Spouse will only benefit if he or she survives you by 28 days. If your Spouse does not survive for this period, then your estate will be distributed as if you had not been married.

NOTIFY INTERESTED PARTIES

SECTION VII

Checklist - People and organisations to notify of the death:

- The family doctor.
- The police, if the death was unexpected or did not happen within a hospital.
- The deceased's employer or pension provider.
- Department of Work and Pensions, if the deceased received a state pension or any other state benefits. You can now do this online at the following website:
<https://www.gov.uk/tell-us-once>
- Anybody to whom the deceased had power of attorney and any deputy appointed by the Court of Protection.
- Financial companies that the deceased had a relationship with e.g. bank and building societies, share registrars, insurance companies, ISA providers and National Savings & Investments.
- Creditors such as mortgage provider, credit cards, loans etc.
- Local Authority Council Tax department.
- Utility suppliers.
- Vehicle & home insurers. Ensure any conditions imposed by them are strictly observed.
- Any other interested parties such as Social Services, Care Providers and HM Revenue & Customs.

The most reliable, albeit slowest, way to notify these organisation is by sending a letter enclosing the death certificate. Alternatively, many major financial organisations such as high street banks offer a facility to report a death online. A simple internet search will reveal whether this is an option, or whether you'll need to resort to old fashioned postal notification.

I wouldn't recommend telephoning organisations to notify them of the death. You'll waste hours trying to speak to the right person, only to be told they are not allowed to give the information out over the phone due to Data Protection Rules. If you are lucky enough to find someone to speak to, they will still require you to send the death certificate (and possibly a copy of the Will) in the post anyway, so simply save yourself the bother of telephoning in the first place!

For your convenience, and to save you the time and effort, I have provided you with pre-written "fill in the blanks" template letters in the resources section of your DIY Probate Pack.

You'll also find contact details for most of the common financial organisations for you to use.

Here's what a notification letter should look like (this particular example is to a bank):

BANK NAME
BANK ADDRESS

YOUR NAME
YOUR ADDRESS

[today's date]

Dear Sir/Madam

Re: The Estate of [NAME OF DECEASED] deceased
Account Number: [ACCOUNT NUMBER(S)]

I am the Executor of the above named deceased, who died on [DATE]. Please find enclosed the death certificate for you to note and return.

In respect of the above account(s) would you please take the following actions:

ALL ACCOUNTS (including Joint Accounts)

1. Freeze the account(s).
2. Advise me of the balance(s) at the date of death and, if applicable, provide a separate note of net interest accrued but unpaid as at the date of death.
3. If applicable, provide me with a copy of any direct debit and standing order instructions, and confirm to me in writing that these have been cancelled as at date of death.
4. Please supply details of interest earned during the last two tax years, and also the period 6th April to the date of death for all accounts, including those in joint names.
5. Advise whether the deceased holds any other accounts with you and, if so, provide me with the above information for these accounts.
6. Confirm whether you hold any items in your safe-keeping facility, and advise me how I can gain access to these items.
7. Forward to me any documentation which needs to be completed to enable me to close the account once I have a Grant of Probate in the estate.
8. Direct all future correspondence relating to this account, and any other accounts the deceased holds with you, to me at the above address.