Berkeley Weston Ltd
Legal Services

ENGLAND & WALES · UPDATED SEPTEMBER 2026

The Essential Probate Checklist

Every step an executor has to take, in the order it actually happens.

18 STEPS · FREE GUIDE

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Before you start

If you are reading this, someone has died and the job of sorting out their affairs has landed with you. It is a strange thing to be handed. You are grieving, and at the same time you are expected to become an administrator — valuing a house, chasing banks, filling in government forms you have never seen before.

This checklist is here to make that job smaller. It sets out every stage of probate in England and Wales in the order the process actually happens, so you can see the whole thing on a few sides of paper rather than discovering it one letter at a time.

A word about who is writing it. My name is Phil Weston, and I founded Berkeley Weston in 2004.

We specialise exclusively in helping families deal with the practical and often complicated process of obtaining probate. Over the past 21 years, we've helped more than 5,000 families through probate, offering clear guidance and support for a fixed fee.

I am not going to tell you that probate is simple, or that everybody can do it alone. Plenty of estates are straightforward, and if yours is one of them this checklist and a few evenings may well be all you need. Others have a complication buried in them — a property, a trust, a gift made years ago, a beneficiary who has fallen out with everybody else — and those are the estates where going it alone quietly costs families money.

By the time you reach the end of this document, you should know which of the two you are holding.

What probate actually is

A Grant of Probate is the legal authority to deal with someone's estate. It is issued by the HMCTS Probate Service, which sits within the High Court, and it is granted to the executors named in the Will.

Where there is no Will, the equivalent document is a Grant of Letters of Administration, and it goes to the closest surviving relative rather than to a named executor. The rules on who inherits are then set by law, not by the family. Both documents are usually just called "the grant".

"Probate" is also used loosely to describe the whole job that follows a death: valuing the money, property, possessions and debts (together, the "estate"), settling what is owed, and making sure the right people inherit.

Why the grant is needed

When someone dies, their bank accounts, investments and property are effectively frozen. Banks, insurers, pension providers and the Land Registry will not release or transfer anything until they have seen the grant. Think of it as the passport the executor needs in order to act.

> One thing that is rarely explained clearly, and matters more than anything else in this document: **the executor is personally responsible for getting it right.** If money is paid to the wrong person, or a debt is missed, the shortfall can be the executor's to make good — out of their own pocket, years later. That is not a scare story, it is the legal position, and it is the reason steps 9, 11 and 16 exist.

When probate may not be needed at all

Before you begin, it is worth checking whether you need a grant of probate. Sometimes you do not.

1. Small estates

A bank or building society is not permitted to insist on a grant where the amount it holds is under £5,000. In practice most institutions apply their own discretionary limit well above that — commonly around £30,000, and in some cases considerably more — and will release funds on their own account closure form instead. Each one sets its own threshold, so write to them all and ask. Their answer decides whether you need a grant.

2. Assets owned jointly

Assets held as beneficial joint tenants — a joint bank account, or a jointly owned home — pass automatically to the surviving owner on death, regardless of what the Will says.

Be careful here. Property held as "tenants in common" does not pass that way: the deceased's share forms part of the estate and follows the Will. Families are often quite certain they know which of the two they have, and are often wrong. The Land Registry title will tell you for £7, and it is £7 well spent.

3. Assets that never formed part of the estate

Death-in-service benefits, most pension death benefits and life policies written in trust are usually paid at the discretion of the trustees or the scheme, straight to the nominated person. They sit outside the estate, they usually do not need a grant, and they are not subject to inheritance tax (until April 2027) in the ordinary way. Ask the employer or scheme to confirm the position in writing.

The probate checklist

Eighteen steps, in two parts. Work through them in order — the sequence matters more than people expect, and most expensive mistakes come from doing a later step too early.

PART ONE — BEFORE THE GRANT

- [ ] **1. Find the original Will and confirm who the executors are.**

  It must be the original. Obtaining a grant on a copy is possible but slow and expensive, so search thoroughly first: the house, the bank, the solicitor who drew it up, and the National Will Register. The executors named in it are the only people who can act.

- [ ] **2. Register the death and order several official copies of the certificate.**

  Almost every organisation you write to will want a certified copy and many will not accept a photocopy. Order five to ten at the outset — they cost far less at registration than they do later, and running out will stall you for weeks.

- [ ] **3. Notify everyone with an interest in the estate.**

  Employer, pension providers, banks, insurers, utilities, landlord or mortgage lender, and anyone the deceased owed money to. Do it in writing, enclosing a certified copy of the certificate. The registrar's "Tell Us Once" service handles most government departments in one go — use it, it saves a great deal of correspondence.

- [ ] **4. Value the estate as at the date of death.**

  Everything owned solely, plus the deceased's share of anything owned jointly, minus debts and funeral costs. Ask each institution for a written date-of-death balance. For property, get a formal valuation rather than an estate agent's guess — this figure carries into the tax position and into the capital gains calculation if the house is later sold for more.

- [ ] **5. Settle the inheritance tax position.**

  This is where the process has changed most, and where old guides are now wrong. Since January 2022, the majority of estates that owe no inheritance tax are treated as "excepted estates" and no longer send full IHT paperwork to HMRC — the figures are simply declared as part of the probate application. Where tax is due, or the estate falls outside the excepted rules, a full IHT400 account is required and any tax must generally be paid before the grant is issued. The nil-rate band is £325,000, with a residence nil-rate band of up to £175,000 where a home passes to children or grandchildren, and unused allowances can often be transferred from a spouse or civil partner who died earlier. Getting this classification right is the single most valuable couple of hours in the whole process — getting it wrong leads to the probate application being "stopped", and a resulting delay of several months.

- [ ] **6. Apply for the grant.**

  Form PA1P where there is a Will, PA1A where there is not; most applications are now made online. The court fee is £526 for estates over £5,000 and nothing at or below it. Order extra sealed copies of the grant at the same time as you apply — they are £2 each at that point and £16 each afterwards. Get one for every institution holding an asset. You have to send the original Will, not a copy.

- [ ] **7. Check the grant carefully when it arrives.**

Names, addresses and the estate figure. A misspelling that looks trivial will be rejected by a bank later, and correcting it after the fact takes far longer than it should. Query anything wrong immediately.

PART TWO — AFTER THE GRANT

- [ ] **8. Register the grant with everyone holding an asset.**

A sealed copy with a short covering letter to each bank, registrar, pension provider and insurer. This is what unfreezes the estate.

- [ ] **9. Place statutory notices before you distribute anything.**

Notices in The Gazette and in a newspaper local to the deceased invite unknown creditors to come forward. Once the notice period has run, an executor who has advertised properly is protected against debts they knew nothing about. Skip this and you carry that risk personally, for years. Few DIY executors have heard of it; it costs very little.

- [ ] **10. Close accounts, encash investments and deal with the property.**

Each organisation will send its own closure form. Money is paid into an executor's account, not a personal one. Transferring or selling the property is conveyancing work and needs a solicitor or licensed conveyancer.

- [ ] **11. Settle debts, liabilities and expenses.**

In the order the law requires — funeral costs and secured debts before unsecured ones. Get written confirmation from each creditor that the debt is settled in full and final satisfaction, and keep it. If the estate cannot cover everything, stop and take advice before paying anyone: an insolvent estate has strict rules and paying the wrong creditor first makes the shortfall yours.

- [ ] **12. Finalise the deceased's income tax and capital gains position.**

Up to the date of death, including any earlier years left outstanding. HMRC will confirm whether a return is needed and whether there is a refund due to the estate.

- [ ] **13. Deal with tax arising during the administration itself.**

Interest, dividends and rent received after the death, and any gain if an asset is sold for more than its date-of-death value, belong to the estate and may be taxable in their own right. This is routinely forgotten. Keep a running record from day one.

- [ ] **14. Tell the beneficiaries where things stand.**

Send a copy of the Will and the grant, explain what remains to be done, and give an honest indication of timing. Most family friction during probate comes from silence rather than from the Will itself.

- [ ] **15. Pay the pecuniary legacies.**

The fixed cash gifts named in the Will — "£5,000 to my nephew" — which are paid before the residue is divided. Obtain a receipt for each.

- [ ] **16. Obtain inheritance tax clearance from HMRC.**

Required wherever an IHT400 was submitted. Do not distribute the residue before clearance comes through: if HMRC later revises the figures, the additional tax falls on the executor.

- [ ] **17. Prepare the estate accounts.**

A single document showing everything that came in, everything that went out, and what each beneficiary is left with. Send it to the residuary beneficiaries and ask them to approve it in writing before you pay them. It is your evidence that the job was done properly.

- [ ] **18. Distribute the residuary estate — and keep the file.**

Pay the balance in accordance with the Will, take receipts, and keep every paper for at least twelve years. Claims against estates can surface a long time after everybody has moved on.

Where DIY executors most often come unstuck

Across more than 5,000 estates, the same five things account for most of the trouble we are asked to fix. None of them are obvious from the forms.

- **The property valuation.** A figure plucked from a portal is not a valuation. Too high and the estate risks paying inheritance tax it did not owe; too low and HMRC may challenge it, or a capital gains tax bill appears when the house sells.
- **Unclaimed allowances.** The transferable nil-rate band and the residence nil-rate band can, between them, be worth a great deal to a married couple's estate — but they have to be claimed, with evidence, and they are missed more often than any other single thing.
- **Gifts made in the seven years before death.** They have to be identified and reported, and most families genuinely do not know what was given away or when. The information usually exists in old bank statements.
- **Distributing too early.** Paying beneficiaries before statutory notices, before HMRC clearance, or while a claim against the estate is still possible, is the mistake that leaves executors personally out of pocket.
- **Assuming that no tax means no paperwork.** Usually true since 2022 — but the exceptions (trusts, foreign assets, large lifetime gifts) catch people out, and finding out at the wrong moment adds months.

Your next steps

If you are an executor and you need a grant, you have three ways to proceed.

1 Do it entirely yourself

Free apart from the official probate fee (£526). Right for a simple estate: one or two bank accounts, no property to speak of, no tax, no complications, and time on your hands. If that is your situation, this checklist may be all you need, and you should use it.

2 Assisted probate

You stay the executor and stay in control. We do the technical work — the valuations, the tax position, the application — and you sign what needs signing. The fee is fixed and agreed in writing before any work starts, so there is no hourly clock running and no invoice at the end that you did not expect. What it comes to depends chiefly on the estate's inheritance tax reporting requirements, which is why we quote after we have heard the details rather than before. This is what Berkeley Weston has done for more than 5,000 families since 2004.

3 A full solicitor-managed service

Someone else takes the whole thing off your hands entirely. Appropriate for genuinely contentious or complex estates. Costs typically run from around £5,000 to £20,000, and some firms still charge a percentage of the estate's value, which can run higher again.

Not sure which one you need?
Book a call.

The quickest way to find out where you stand is twenty minutes on the phone with someone who has seen a few thousand of these. There is no charge and no obligation.

On the call we will ask what the estate consists of, tell you plainly whether it looks straightforward or complicated, explain what the inheritance tax position is likely to be, and — if you want one — put a fixed price in writing afterwards.

And if your estate is simple enough to handle on your own, we will tell you that too. We would rather say so than take a fee for work you did not need doing.

Book your free call →

berkeleyweston.co.uk/your-probate-inheritance-tax-questions-answered

Or call **0116 279 5044** · support@berkeleyweston.co.uk

Phil Weston

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This checklist provides general information about probate in England and Wales and is correct at September 2026. It is not legal advice and does not take account of your particular circumstances. Berkeley Weston Ltd provides assisted probate services and is not a firm of solicitors. Court fees, tax thresholds and reporting rules change — check the current position at gov.uk or ask us.