

When someone dies

Introduction

This is one in a series of leaflets produced by Gorvins, which is aimed at providing practical help to those unfamiliar with the law. As with any such leaflet, it cannot be exhaustive but hopefully it will be a useful starting point.

At the end of the leaflet, we have included some other useful addresses and sources of information, as well as a list of some of the other leaflets we produce free of charge. If you would like copies of any of these leaflets, or if there is any other way in which we can help, please let us know.

This guide has been prepared especially for executors, close family or friends of someone who has died. We understand that this is a very difficult time for you and that you are in need of some practical guidance on what needs to be done. If you need any further advice, please let us know and we would be happy to help.

Below you will find a checklist of the initial steps which need to be taken. This is a very generalised list and each of the points is considered in more detail below. Again, we know that it will not be exhaustive in every case.

Checklist of what needs to be done initially

- Locate the deceased's Will.
- Register the death.
- Arrange the funeral.
- Secure the deceased's property.
- Collect together all the paperwork you can find.

Locate the Will

Contact the deceased's solicitor and bank to see if they have the Will in their strongroom; look through the deceased's papers. The Will may contain specific funeral wishes. It will also inform you who has been appointed as the Executor.

Register the Death

This must usually be done within 5 days of the death and usually by the next of kin. Contact the Registrar of Births, Deaths and Marriages nearest to

where the deceased died. If possible, take with you the deceased's medical card. The Registrar will also need to know the deceased's full name, maiden name, last address, occupation and the date and place of both birth and death. The Registrar will give you a Death Certificate and a Burial/Cremation slip for the undertaker. It is a good idea to obtain a few copies of the Death Certificate. The Registrar may also give you a certificate of registration of the death for claimants of state pension.

Depending on the circumstances, there may have to be a post mortem and possibly even an inquest. The death cannot be registered until after these have taken place, but the Registrar can issue you with an interim death certificate in the meantime.

Arrange the Funeral

You can instruct the undertaker as soon as you like but the arrangements cannot be finalised until the Registrar has given you the Burial/Cremation slip.

If there is insufficient money to pay for the funeral, the Benefits Agency may be able to help out in certain circumstances. You should contact them direct for more information.

Secure the deceased's property

If the house is empty, you should inform the insurance company and the police. If you know the neighbours, you could ask them to keep an eye on it for you. The insurance company may require you to make regular visits to the property to check everything is in order. If the deceased had a car, the car insurers must also be notified and of course the car must not be driven until the insurance situation is in order.

Beware of placing death notices in local papers, since this information can be used by thieves, who may strike during the funeral itself.

If there are any valuable items in the property, these should be removed for safe keeping elsewhere. If there are any pets, the appropriate arrangements should be made to re-house them.

After the funeral - the Executor

If there was a Will, there will be at least one Executor appointed to deal with the deceased's estate. If there was no Will, or if the Executor appointed by the Will cannot act, then an Administrator will need to be appointed by the Probate Registry instead. There are statutory rules as to who can be appointed and a solicitor can advise on this.

You will also need to know whether a Grant of Probate (where there is a Will) or Letters of Administration (where there is not) is required. We can provide advice on when a Grant is necessary. If a Grant is not required you may feel that you can deal with the estate yourself. If a Grant is required, or if you are not sure, it may be helpful for you to come in and discuss the matter with us. We can then advise you on the best course of action.

If we handle the administration of the estate on your behalf, here is a summary of the steps we will take for you:-

1. Obtain the Grant of Probate or Letters of Administration.

2. Deal with Inheritance and other Taxes.

The administration of an estate will involve the need to complete either a short form Inland Revenue account (IHT205) or a long form, formal account (IHT200) for Inheritance Tax purposes. Whether any tax is payable will depend on the value of the estate and whether there are any reliefs or exemptions available.

3. Deal with any post-death variations and claims.

If a beneficiary (usually the deceased's spouse) does not need all the assets which have been left to them, it may be appropriate to vary the terms of the Will to make it more efficient for tax purposes. It may also be desirable to change the terms of the Will for other family reasons. We can provide specialist advice on this.

If there is someone who could reasonably have expected to be provided for under the Will but who did not receive anything or not as much as they expected, they may be able to make a claim against the estate. This is, generally speaking, only possible where that person was financially dependent upon the deceased immediately prior to their death. Again, we can provide specialist advice on this if it is an issue.

4. Distribute the Estate

Once we have obtained the Grant, we will cash in all the deceased's assets, discharge any liabilities (such as paying the funeral account) and distribute the estate in accordance with the terms of the Will or the intestacy rules. We would also prepare a set of Estate Accounts and the necessary tax deduction certificates.

5. To simplify the administration of your estate and ensure it passes to the person(s) you wish, it is very important to make a will. At Gorvins, we offer a 10% discount to federation members and their partners in relation to this. We also hold monthly wills and probate surgeries (see below).

For example, if the deceased died whilst married with children, the spouse is entitled to the first £125,000 of the estate (plus any personal chattels) only. The remainder is split into trusts for the benefit of the spouse and children (except for some assets held jointly with another person)

6. The wills and probate surgeries are normally held at the police federation member services offices. To book an appointment, please contact your federation member services, or Emma Fidler on 0161 930 5197.

As an incentive, we offer a 10% discount on Wills and Lasting Powers of Attorney to federation members and their partners.

Gorvins Leaflets

1. Making a Will
2. When Someone Dies
3. Lasting Powers of Attorney

For advice when someone dies or any other matters contact

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