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Probate Checklist

A Step-by-Step guide to
Probate in England & Wales

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National
Bereavement
Service

A Step-by-Step guide to Probate in England & Wales

This guide is designed to help you navigate the probate process when administering someone's estate. While it's written for those handling probate themselves, a probate professional would follow the same steps.

Not every step will be required in every situation, and more detailed guidance is available in the articles on our website. Take your time, and remember that support is available if you need it.



1. Obtain legal proof of the death	Notes
This is the Certified Copy of the Entry in the Register of Deaths (death certificate) or an Interim Certificate from the Coroner. No organisation will be able to tell you about bank accounts or other sensitive information without proof of the death. They will also need proof of identity from the person contacting them. Note: <i>You do not need a death certificate to begin dealing with someone's estate — the interim certificate provided by the coroner can be used until the certificate is issued</i>	
2. Use Tell Us Once Service	Notes
The unique code for the Tell Us Once (TUO) service is provided by the registrar when collecting the death certificate. Informs HMRC and DWP and other government organisations including council tax and housing. Do this as soon as possible. HMRC and DWP will make contact with the nominated contact person if there are outstanding issues with tax or state pension/benefits. If you plan to use a solicitor, they will normally contact some government organisations on your behalf.	
3. Find out if there is a Will and obtain the original	Notes
A. Finding a Will is important as it often contains instructions for the funeral as well as who will be the person responsible for taking care of the property and financial affairs of the person who has died (the executor). B. Make sure the Will is valid. A valid Will must be signed and dated by the person whose Will it is, and there must be signatures of two independent witnesses i.e. not related in any way and not named as beneficiaries. There should be no damage to the Will and no alterations to it, even in pencil. The deceased person may have a copy of the Will while the original is often stored with the solicitor who created it. You can open any copy of the Will immediately. To obtain the original from a solicitor, they will want to see evidence of the death and the identity of the all the executors contacting them. Use a tracked postal service to send these important documents. If you can't find a Will after asking local solicitors, you can search the National Will Register, but many Wills are not recorded on the register. Visit https://www.nationalwillregister.co.uk If you can't find a Will, by law, it is assumed that there is no valid Will in existence. If the Will has been damaged e.g. there is water damage from a flood, and you need to obtain probate, it will be wise to use a solicitor who can advise whether the Will would be accepted as valid.	

4. No Will exists	Notes
If there is no Will, the law dictates who will inherit someone's estate. These are called the Rules of Intestacy. The person responsible for implementing these is usually the closest relative. This person is called the Administrator. Personal Representative is the term used for both Administrators and Executors. The closest relative is the married or civil partner of the person who has died. Cohabiting partners do not qualify under the Rules of Intestacy. If there is no legal partner, the next closest are any children of the deceased person, followed by the parents of the deceased person, and then more remote relatives. Depending on the size of the estate, the process can be more complex than this, especially if there is a surviving partner who has had children with the deceased person, and the children are under the age of 18. From this point the process of administering the estate is very similar whether or not there is a Will, with just slight differences in the forms needed and the titles of documents.	
5. Gather information	Notes
A. To know how to administer the estate, it is necessary to find out about all the assets including any properties, businesses, insurances, investments and bank accounts. B. It is also essential to discover any debts, including unpaid tax. C. Advertise for creditors if required. This step will always be done by probate professionals and is strongly recommended if the deceased person owned a property. It has the additional benefit of protecting the personal representative from personal liability for late claims against the estate. Assets that are owned jointly with someone else are usually inherited immediately by the joint owner. The exception is property owned as tenants-in-common, where each person owns a specified share of the property. Contact all organisations who the deceased person held accounts with, including credit cards, store cards, life insurance and anyone else you find documents for. Provide evidence of the death, your own identity, your role as executor or administrator and ask them to confirm the existence of an account and the date of death value. The organisations will respond and explain their individual process for releasing the money or transferring an account to someone else. It is a common myth that debts die with the person. Sadly, this is not true. A joint debt such as a mortgage in joint names then has to be paid by the survivor in full. Debts that were only in the name of the person who has died become debts on the estate. These must be paid before any beneficiaries receive anything, with the exception of funds in joint accounts. An estate that has more debts than assets is described as insolvent. Executors must also make reasonable efforts to identify and contact any unknown beneficiaries, and it may be necessary to engage a genealogy researcher.	

6. Decide if you need to obtain probate	Notes
A. If all assets are jointly owned, they pass to the surviving owner and probate is not needed. B. If asset holders such as banks agree to release funds to the personal representative and there is no property to transfer, probate is not needed. C. If any asset holder asks for a grant of probate you must obtain a grant before funds will be released. D. If a property is to be transferred to anyone not already owning it, or it is to be sold, probate will be needed.	
7. Determine if Inheritance Tax has to be paid	Notes
Note that when the estate is valued, half of jointly owned assets must be taken into consideration even though they will pass to the surviving owner. You can find the current threshold here https://www.gov.uk/inheritance-tax	
8. Pay Inheritance Tax if owed	Notes
Inheritance Tax (IHT) usually needs to be paid within six months of the person's death. If the estate's main asset is a property, HMRC may allow the tax to be paid in instalments—but you'll need their agreement. If any additional assets, liabilities, or changes in value are discovered after the IHT return has been submitted, these must also be reported to HMRC.	
9. Apply for Grant of Probate / Letters of Administration	Notes
Note that a Grant may be required even if the estate has significant debts if asset holders require probate or to be able to sell a property. The forms to apply for probate are here: https://www.gov.uk/applying-for-probate/apply-for-probate	
10. Send Grant to asset holders requesting release of funds	Notes
Once you have the Grant of Probate or Letters of Administration, share certified copies with banks, building societies, and any other institutions holding the deceased persons assets. This allows them to release funds to the estate. Keep a record of all correspondence.	
11. If not already done, open an Executor's bank account for assets to be paid into	Notes
Set up a separate account for the estate to receive money from assets and manage payments. This helps keep things clear, avoids mixing personal and estate funds, and makes it easier to track debts, taxes, and distributions.	

12. Pay creditors	Notes
Creditors must be paid in a specific order, and there's a set method for handling creditors of equal priority. It's a common misconception that funeral expenses always come first. In fact, secured debts, such as a mortgage, take priority. Funeral costs should be reasonable and must not be used to avoid paying other creditors. If it looks like the estate may not have enough to cover all debts, it's important to seek professional advice. Mistakes could mean the personal representative becomes personally liable for any shortfall.	
13. Carry out identity and bankruptcy checks on individual beneficiaries	Notes
The inheritance of a bankrupt beneficiary has to be paid to the Administrator to reduce their debts.	
14. Prepare Estate Accounts and send to all beneficiaries	Notes
The estate accounts — a summary of all the money coming in and going out of the estate — should be agreed upon by all the Executors. Ideally, these accounts should also be shared with the residuary beneficiaries	
15. Distribute the estate to beneficiaries	Notes
A receipt for all items and money should be obtained.	
16. HMRC can ask to see records up to 20 years after IHT has been paid	Notes
HMRC can ask to see estate and Inheritance Tax paperwork for up to 20 years. Save copies of returns, estate accounts, and correspondence so you can quickly respond if needed.	

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You Are Not Alone.

The National Bereavement Service provides clear guidance and compassionate support with the practical and legal steps that follow a death.

Phone: 0800 024 6121

NBS Chat: www.theNBS.org

Email: info@theNBS.org

Monday – Friday 9.00am – 6.00pm

Saturday 10.00am – 2.00pm

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