

What To Do When Someone Dies

What you need to do within 5 days:

- Contact GP or Hospital for Cause of Death Certificate or obtain permission from the Coroner that you can register the death if the matter has been referred to them.
- Arrange an appointment to register the death at the Registry Office. The Lincoln Registry Office telephone number is (01522) 782244 or book an appointment on-line.

Who can register a death?

- A relative
- Someone present at the death
- An occupant of the house
- A hospital official
- The person making the funeral arrangements

Documents you will need when registering the death:

- Cause of Death Certificate. You cannot register a death without this Certificate.

And (if available) the following documents for the deceased:

- Birth Certificate
- Marriage/Civil Partnership Certificate
- NHS Medical Card
- Council Tax Bill
- Driving Licence
- Passport
- Proof of Address (e.g. Utility Bill)

Information needed for the Registrar when registering the death:

- Person's full name at time of death, including any previous names (i.e. Maiden names)
- Date and place of birth
- Last address
- Their occupation

- The full name, date of birth and occupation of surviving spouse or civil partner
- Details of state pension or benefits and National Insurance Number
- Fee for the Death Certificate (currently £11.00 per certificate)

What documents you will receive:

- A Certificate for Burial or Cremation (“the Green Form) – this should be handed to the funeral director
- The Death Certificate(s)

The Legal Process: Probate:

This is the official proving of the Will or, where there is no Will, the legal authority for someone to be appointed to deal with the estate.

If you are named in a Will as an Executor you may need a legal document called a “Grant of Probate” which gives you the right to sort out the affairs of the Deceased. If no-one has been named in the Will or there is no Will then an Administrator is appointed to carry out the same function.

The Grant of Probate will allow the Executor or Administrator to deal with the Banks, Local Authorities, Pension and Insurance companies and other relevant authorities dealing with selling off any assets.

Executors and Administrators are personally and legally liable for:

- Collecting all the assets
- Paying the debts and funeral expenses
- Completing all legal and administrative formalities
- Distributing what is left in accordance with the terms of the Will or in accordance with the rules of Intestacy where there is no Will.

Executors and Administrators can be held personally responsible and liable for:

- Forgetting a vital step
- Failure to finalize tax issues correctly
- Being unaware of all creditors before distribution to beneficiaries

- Being unaware of all beneficiaries
- Incorrectly dealing with an Insolvent Estate
- Not checking the validity of a Will or ensuring that the Will is the last Will of the Deceased
- Misunderstanding the contents of the Will or the Intestacy rules and distributing incorrectly
- Failure to understand child or family Trusts

Being an Executor or Administrator is often a time-consuming role, which can be renounced. Someone else can be appointed to act in their place if they do not wish to act. It can be stressful if there are complex estates, disagreements among family and beneficiaries or queries about inheritance tax, trusts or property abroad.

At Dale & Co. we understand that handling an Estate can be a daunting prospect. If you need help now, or have no idea where to start, then contact us for an initial chat with no obligation.

Contact Dale & Co. Solicitors on 01522 513399 and ask for the Wills and Probate Department. Or you can e-mail jhunt@dale-law.co.uk or visit www.dale-law.co.uk

Glossary of terms:

“Executor”

When someone dies the Executor normally sorts out the finances and then distributes what is left according to the Will of the deceased.

“Administrator”

Where the deceased did not leave a Will, an Administrator is appointed in accordance with the Intestacy Rules (see below)

“Beneficiary”

This is the person who is entitled to a share in the deceased’s Estate, whether under the terms of the Will or in accordance with the laws of intestacy.

“Probate”

This is a term commonly used when talking about applying for the right to deal with a deceased person’s affairs.

“Grant of Probate”

The Executor applies for a Grant of Probate from a section of the court known as the Probate Registry. The Grant is a legal document which confirms that the Executor or Administrator has the authority to deal with the deceased person’s assets. They can use it to show they have the right to access funds, sort out finances and collect and share out the deceased person’s assets as set out in the Will.

“Inheritance Tax”

Inheritance Tax is sometimes paid on an Estate when somebody dies. It is dependent upon the size of the estate. The Executor or personal representative pays it using funds from the deceased’s estate.

“Intestacy”

Where there is no Will the Estate will pass in accordance with the Intestacy Rules.

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