

Grunberg  
& Co.

PROBATE  
SERVICES LTD



# GUIDE TO PROBATE

Dealing with the loss of a loved one is a very difficult time both mentally and emotionally. In addition, having to deal with probate can be confusing, lengthy and is often a fraught process during a distressing time. This guide is designed to inform you of the process required in order to obtain a grant of probate. However, it does not cover every eventuality as each probate is different and you should speak to one of our advisors if you have any questions or doubts.

## What is probate?

Probate is the right to deal with a deceased individual's estate which is given to the executor(s) of the estate. If there is no Will in place, the next of kin (e.g. spouse/civil partner or children) usually applies for the authority to deal with the deceased's estate.

## Obtaining a grant of probate

In order to obtain a grant of probate you should follow these steps:

- 1 Register the death within 5 days. The circumstances of death will determine how the death should be appropriately registered. There is a useful tool at <https://www.gov.uk/register-a-death> which will help to tell you where the death needs to be registered.
- 2 Identify the executor(s) of the Will or, in the case where no Will has been left, it is the next of kin who will apply for probate. Ensure that the Will is current and valid.
- 3 Notify the relevant government organisations such as HM Revenue and Customs, Department for Work and Pensions, Driver and Vehicle Licensing Agency, Passport Office and the local council. This is done by using 'tell us once service online.'
- 4 Identify all of the assets and liabilities of the deceased and notify all parties of the death, such as banks and building societies, pension and insurance providers, gas and electric companies, mobile phone company etc., to arrange for all accounts to be updated. It is also useful at this stage to request all of the information you will need to complete the inheritance tax return and the final tax returns of the deceased.
- 5 Identify any transfers (Gifts) made in the last seven years ending on the date of death for the purpose of completing the inheritance tax return and calculating the inheritance tax position.
- 6 Prepare the appropriate inheritance tax return (depending on whether the estate is an 'excepted estate') and calculate any inheritance tax due. If you are dealing with an 'excepted estate', a form IHT205 should be completed. Otherwise, a form IHT400 will apply.
- 7 Prepare a Probate Application Form, known as the form PA1.

- 8** The relevant forms, whether it's an IHT205 or an IHT400, should be submitted to HMRC and the Probate Application Form should be sent to the local probate office.
- 9** Pay any inheritance tax due to HMRC.
- 10** The executor(s) of the estate or the next of kin applying for probate attends an interview at the Probate Registry or another specified interview venue, before the grant of probate is received by post.
- 11** Collect all monies due to the estate and settle debts owed by the estate.
- 12** On receipt of the grant of probate, the executor(s) must give notice of their intention to distribute the estate and require any interested party to send them particulars of their claim within a set timescale, which must be no less than two months and a day from the publication of the notice. The notice must be placed in the London Gazette and a paper local to the deceased's property or place of business and/or residence.
- 13** Distribute the remaining estate to the beneficiaries in accordance with the Will. If no Will is in place, distribute the estate in accordance with the rules of intestacy.

## Important Deadlines

### HMRC

• Payment of any inheritance tax due	6 months after the end of the month of death.
• Submission of form IHT400 or form IHT205	12 months after the end of the month of death.
• Submission of deceased's personal tax return	31 January following tax year of death if filed online or the following 31 October if a paper return is filed.

### Tax Planning

- In many cases, there will be significant tax benefits in changing the Will by executing a Deed of Variation. This must be executed within two years of death for it to be effective.

Grunberg & Co Probate Services are authorised by the Institute of Chartered Accountants in England and Wales to carry out the reserved legal activity of non-contentious probate in England and Wales. If you need help with any part of the probate process, please kindly call our probate team on **020 8209 2284**.

# Contact us

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