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WHAT TO DO IN THE EVENT OF A DEATH

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Who should take matters in hand?

If you have recently been bereaved, you may be unsure as to the steps that you now need to take following the death of a relative or friend; this booklet summarises the actions required. It is important, however, to note that whether you or somebody else should carry out those steps depends very much upon your relationship to the deceased and also whether you have been appointed as an Executor of that person's Will.

Registering a Death

In England, you normally need to register a death within 5 days. If you are unsure which Register Office you should contact, it is sensible to telephone the Register Office in the locality where the person died to check which is the correct office. It is always advisable to check whether an appointment is required to register a death. However, please note that only certain people can register the death usually being:

- A relative
- Someone present at the death or
- The person making the arrangements with the Funeral Directors

Other persons can register the death in particular circumstances and further information can be obtained from the Registrar of Births and Deaths.

When registering a death, you will need to take to the Register Office:

- Death Certificate
- Personal details of the deceased, including
 - Place and date of birth
 - Any previous names
 - Marital status
 - Occupation
 - Normal place of residence
- Details of date and place of death
- Information regarding deceased's spouse (if applicable)

If you have the deceased's NHS card it may be helpful to take it with you.

Arranging the Funeral

Once the death has been registered, you will then be able to arrange the funeral.

It is often a good idea to check the terms of a person's Will (if he/she left a Will) as funeral wishes are often set out in it.

If the Will cannot be found amongst the deceased's papers, it is always sensible to check with the deceased's Solicitor and bank to see whether the Will is lodged there.

It is also worth checking whether the person may have put in place a pre-paid funeral plan. The documentation regarding the plan may be found amongst the deceased's papers or may be held at the office of his/her Solicitor or bank.

If a funeral pre-payment plan has not been put in place, you will need to discuss with the Undertakers the arrangements for payment for the funeral. The Undertakers may require a deposit to be paid immediately and the balance to be paid later. It is worth noting that most banks and building societies allow the cost of the funeral to be drawn from the deceased's bank account upon production of the funeral bill.

Dealing with the Deceased Person's Financial Affairs

The question of who is responsible for dealing with the deceased person's financial affairs will depend on whether the deceased made a Will or not.

Is it necessary to take out a Grant of Probate or Letters of Administration?

Depending upon the nature and extent of the assets owned by the deceased, it may be necessary for a formal application to be made to the Probate Registry, either for a Grant of Probate or for a Grant of Letters of Administration.

A Grant of Probate would be required where the deceased left a Will. A Grant of Letters of Administration would be required if the deceased died without having made a Will.

A Grant of Probate or Letters of Administration (as the case may be) is not always required. For example, if all of the deceased's assets were held jointly with a spouse or partner so that all of the assets pass automatically to the spouse or partner, it is likely that it would not be necessary to take out a formal Grant.

How do I take out a Grant of Probate or Letters of Administration?

The application for the Grant may necessitate obtaining valuations of all of the deceased's assets and also details of gifts made by the deceased in the 7 years prior to his/her death. The information may then have to be incorporated into an Inheritance Tax Account. The Inheritance Tax Account may need to be submitted either to the Probate Office or to HM Revenue and Customs – depending upon the value of the assets in the estate. There would then be a formal application to take out a Grant of Probate or Letters of Administration, which would be submitted to the relevant Probate Registry.

Once the Grant of Probate or Letters of Administration have been obtained liabilities of the deceased would need to be paid and the deceased's tax position finalised with HM Revenue and Customs. Legacies under the Will may need to be paid and then the estate distributed in accordance either with the Will or with the Law of Intestacy – if the deceased died without leaving a Will.

The Deceased Person's Bills

Bills will continue to be received for the deceased for quite some time after that person has died. The bills may be general utility bills (such as gas, telephone, electricity and so on) or there may be bills that the deceased incurred but were not paid in full by the time of death.

Generally speaking, creditors understand that payment of bills is deferred until the deceased person's estate is in receipt of sufficient funds for bills to be paid.

If however, you believe that there are likely to be insufficient funds to pay the deceased's bills, then you might like to seek professional advice from a Solicitor as soon as possible after the person's death.

It will then be necessary to notify all the organisations with which the deceased person had a financial connection (such as banks and building societies, investment companies, pension providers and so on) of the deceased person's death.

Please note:

The information set out above is not intended as a comprehensive statement of the steps that will be required after the death of an individual. Instead, the information is merely intended as general guidance.

As can be seen from the above, the steps required after a person's death could be quite involved and onerous. If you are unsure of what you need to do, or feel you may need some assistance, you may like to seek the advice of a Solicitor at the earliest opportunity.

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Our specialist Probate Lawyers in our Private Client Team are always pleased to assist you and will ensure that the administration of the deceased person's estate is dealt with sympathetically and professionally.

If you need any further advice or assistance please contact Carter Bells on 020 8939 4000 and ask to speak to Margaret Gale who is head of the Private Client Team.