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Administration of Estates and other Probate Services ^[1]

Dealing with the deceased's affairs can be challenging. Talk to us for advice



CONTACT US

^[2]

The term 'probate' is commonly used to describe the process of administering the estate of someone who has died.

There are various processes to go through so that you can deal with the deceased's affairs. For example, you may need to:

- Ascertain and collect the assets
- Calculate and pay inheritance tax and other debts owed
- Deal with HMRC in connection with income tax
- Distribute their estate in accordance with their will or the rules of intestacy

If the person who died left a will

The will names one or more *executors* to deal with the person's affairs.

The executor(s) will therefore apply to the probate registry for a grant of probate. The grant is a legal document that confirms that the executor has *legal authority* to deal with and distribute the deceased's property.

If the person who died did not leave a will

**A close relative will need to apply to the probate registry to deal with the estate.
(The rules of intestacy will dictate who can act)**

If there is no will they must apply for a '*grant of letters of administration*'. If this is granted they will then become known as the Administrator of the estate.

The 'grant of letters of administration' is the legal document which then allows the '*administrators*' to deal with the deceased's assets.

Grant of Probate

A 'grant of probate' or a 'grant of letters of administration' is usually required where the deceased:

- Leaves an estate which has a value of £5,000 or more
- Owned insurance policies which are not held in trust
- Held shares
- Held property/land in their own name or held as a tenant in common

A grant may not be needed if the deceased:

- Had an estate worth less than £5,000 (some banks or building societies may set their limits higher)
- Owned everything jointly and everything passes to the remaining joint owner

Applying for Probate

One or all of the executors of an estate can apply for a grant of probate.

The forms that are required will depend on where the deceased lived and the value and make up of their estate. Two points worth noting are that:

- There is a fee to pay to the Probate Registry to obtain the grant (if the estate value is over £5,000)
- Probate will not be granted until some or all the inheritance tax due on the estate has been paid

If you would prefer, we can assist with the application for the grant for you and advise on any inheritance tax due, so that you do not have to attend court.

Sydney Mitchell have a dedicated team of expert specialists ^[3] who offer a Probate service and can help you deal with all the formalities required; we are used to dealing with estates, both large and small.

For information on what happens if you die without making a will, see our intestacy flowchart ^[4]

Talk to us about Probate Law today. Call our experienced Probate team on

0121 698 2200 or alternatively submit our online contact form ^[2].

Links

[1] <https://www.sydney Mitchell.co.uk/services-individuals/wills-and-probate/probate-law>

[2] <https://www.sydney Mitchell.co.uk/contact>

[3] <https://www.sydney Mitchell.co.uk/about-us/our-people/wills-trusts-probate>

[4]

https://www.sydney-mitchell.co.uk/sites/default/files/attachments/intestacy_flow_chart_sydney_mitchell.pdf#overlay-context=about-us/publications-legal-guides