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Dealing with a death in the family ^[1]

When someone dies there are many decisions and arrangements to be made at a very distressing time.

This leaflet gives you some general information and advice. We can help you with practical advice about what to do to register the death, arrange the funeral and your duties as a Personal Representative and help you carry them out. We can deal with the Inland Revenue and assist you to obtain the [Grant of Probate](#) ^[2] or Letters of Administration if necessary. Our aim is to advise you and your family at a difficult time with friendly, sympathetic and efficient staff who will be pleased to help.

Registration of Death

It is usual for a relative of the deceased or the person arranging the burial or cremation to register the death. The Registrar will require paperwork provided by the doctor or hospital. Additional personal details of the deceased, such as date and place of birth will also be required.

Dealing with the Estate

The Personal Representatives are the people who deal with the affairs of the deceased person and who, in most cases, will obtain a Grant of Representation from the Court which then authorises them and enables them to act in the administration and settlement of the deceased's estate. Your Solicitor can deal with this on your behalf.

If the deceased has made a Will appointing Personal Representatives, they are now as Executors. If the deceased did not make a Will then they are called Administrators. Administrators are given the authority under the Rules of Intestacy and advice should be taken as to who has a right to act as Personal Representatives in this event.

The person who makes the funeral arrangements will be responsible for the payment of the bill if there is insufficient money in the estate. However, funeral expenses are a "first Charge" on the estate and where the deceased has an account with a bank of building society with

sufficient funds to meet the costs, the bank or building society may agree to pay the funeral director.

Duty of Representatives

The Executor or Administrator has a duty to:

- Collect together, protect and value the deceased's personal possessions including furniture, bank accounts, property and all other assets.
- Notify the relevant authorities including Department of Work and Pensions, Inland Revenue, employers and pension providers.
- Pay from the funds in the estate any debts of the deceased including the funeral, inheritance tax and other expenses of administering the estate.
- Distribute the remainder of the estate to those who are entitled – the beneficiaries – either under the Will or Rules of Intestacy.

Personal Representatives may be required to inform the Inland Revenue about the value of the deceased's estate and answer any questions that the Revenue may raise in order to determine whether inheritance tax [3] is payable.

We would suggest that legal advice is taken on the above matters so that you are fully aware of the procedures and requirements. Contact us today [4].

 [How to deal with a death in the family?](#) [5]

 [What happens if you die without a Will?](#) [6]

Links

[1] <https://www.sydney-mitchell.co.uk/about-us/publications-legal-guides/death-family>

[2] <http://www.sydney-mitchell.co.uk/services-individuals/wills-and-probate/probate-law>

[3] <http://www.sydney-mitchell.co.uk/services-individuals/wills-and-probate/trusts-and-tax-planning>

[4] <https://www.sydney-mitchell.co.uk/contact>

[5] https://www.sydney-mitchell.co.uk/sites/default/files/attachments/death_in_the_family_0.pdf

[6]

https://www.sydney-mitchell.co.uk/sites/default/files/attachments/intestacy_flow_chart_sydney_mitchell_3.pdf