



## The duties of an executor: what to do when someone dies

If you're the executor of a will, you're legally responsible for dealing with the deceased's estate (their property, possessions and money) and for carrying out the wishes detailed in the will.

The process is complex, complete with its own jargon. If you make a mistake, you could end up owing money yourself. Therefore, it's important to act carefully and keep detailed accounts.

In this step-by-step guide, we look at what to do when someone dies. To help keep stress and errors to a minimum, we've designed this guide to make the duties of an executor as simple and clear as possible.

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## 1 First steps when someone dies

### Register the death

When someone dies, you'll need to register the death with the local register office within 5 days in [England and Wales](#) and [Northern Ireland](#), and within 8 days in [Scotland](#) (this includes weekends and bank holidays).

Registering the death is usually the responsibility of a family member. You'll need either:

- a medical certificate from a doctor, or
- permission from the coroner (procurator fiscal in Scotland)

Once you have registered the death, you will receive the death certificate. Death certificates are usually requested by banks and other organisations as proof of death, so it's important to get copies. You can order extra copies of death certificates on the government websites for [England and Wales](#), [Scotland](#), and [Northern Ireland](#).

The registrar will also give you a certificate for burial or cremation.

### Find the will

Start by finding out if the person who has died had a will and where it's kept. Make sure it's the last will they made.



The will usually names a **personal representative**, who is responsible for managing the deceased's **estate** (money, property and possessions). If the personal representative is named in the will, they are called the **executor**. There may be more than one executor. The people who will inherit are called the **beneficiaries**.

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You may wish to check the deceased's home for the will and with law firms or banks where they held accounts. Before they release information, they will need to see a death certificate and proof of your right to discuss the will.

If you don't know where the deceased's will is, or if you think there's a newer version of the will than the one you've found, you can carry out a will search. [The National Will Register](#), local branches of [The Law Society](#) and the [Society of Will Writers](#) can all help.



If you can't find the original will, you'll need to [fill in a lost will form](#). If there is no will, [special rules](#) apply.

## Arrange the funeral

A funeral can usually only take place after the death is registered.



The executors named in the will (or if there's no will, nearest relatives) are usually responsible for arranging the funeral. The funeral costs can be paid for using money from the deceased's estate.

The deceased's will may outline their funeral wishes, so it's important to find the will before finalising any arrangements – however, funeral wishes in a will are not legally binding.

## Tell key organisations

After the death has been registered, you must tell the government that the person has died.

If you're in England, Wales or Scotland, the registrar will give you a unique reference number so that you can tell all government agencies about the death together, using the [Tell Us Once](#) service. The service is not available in Northern Ireland.

You'll also need to inform any:

- places of work
- banks
- utility companies
- landlords
- mortgage lenders
- share registrars
- private pension providers
- credit card holders
- other relevant organisations

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## 2. Dealing with the estate

### Value the estate

The next step is to work out how much the deceased's **assets** (items in the estate) are worth so that you can pay any inheritance tax owed. HMRC expects executors to look into the deceased's finances for the previous 7 years.

#### Property

It's best to get a professional valuation - either by an estate agent or a qualified valuer, such as a surveyor. There are [special rules](#) if the deceased owned the property jointly with someone else.

#### Bank accounts and pensions

Find out exactly how much money the deceased held in bank accounts on the date they died (including income earned but not yet credited). There are special rules for [joint accounts](#).

You will also need to know how much any investments or shareholdings were worth on the date they died, as well as the value of any business interests, pensions or other income due.

#### Possessions

Certain items need to be valued, such as jewellery, vehicles, electrical goods and collections. Generally, you do not need to get a professional valuation if there is publicly available data. For example, you can value a second-hand car by looking at a used car price guide.

### Pay inheritance tax

The next step is to complete the appropriate inheritance tax forms and pay any inheritance tax due. Most people ask banks, building societies or National Savings & Investments to use funds from the deceased person's accounts to pay some or all of the inheritance tax. This is called the [Direct Payment Scheme](#).

Inheritance tax can be complex, and the executor is personally responsible for paying it, so you may wish to use a professional to complete inheritance tax accounts. Any legal costs can be taken out of the estate if required.



Inheritance tax must be paid no later than 6 months from the end of the month in which the deceased died. For example, if the person died in January, you must pay inheritance tax by 31 July. HMRC will charge interest on unpaid tax after that date. Find out [how to pay](#).

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## 3. Applying for probate

### Check if you need a grant of probate



Applying for the legal right to deal with someone's property, money and possessions (their estate) when they die is called applying for **probate** in England and Wales. The process is different in [Scotland](#) and [Northern Ireland](#).

You usually need probate to deal with an estate if it includes property. If there's no will, you can apply for **letters of administration** as an administrator and follow the same steps as applying for probate.

You may not need probate if the person who died:

- had jointly owned land, property, shares or money (these will automatically pass to the surviving owners)
- only had savings or premium bonds

### Apply for the grant of probate

As an executor, you can apply for probate in England and Wales yourself, use a solicitor, or appoint another person licensed to provide probate services. In Scotland you apply for [confirmation](#).



If there's inheritance tax to pay, normally you'll have to pay at least some of it before you'll be granted probate.

You'll usually receive the grant of probate (or letters of administration) within 4 weeks of sending in your documents.

#### Apply for probate online

You can [apply for probate online](#) if you're the executor and you:

- have the original will to upload
- have the original death certificate or an interim death certificate from the coroner to upload
- have already reported the estate's value for inheritance tax to HMRC

You'll need to send the original will by post after you submit your online application. No additional copies of the will are required.

#### Apply for probate by post

If you are applying for probate by post, use these application forms:


- [Form PA1P: Apply for probate \(the deceased had a will\)](#)
- [Form PA1A: Apply for probate \(deceased did not leave a will\)](#)

Send completed forms with the original will and the death certificate.


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## 4. Placing a deceased estates notice

As an executor, you are responsible for dealing with any claims against the estate. After you receive a grant of probate, the [law](#) recommends you place a deceased estates notice in The Gazette and a local newspaper to find creditors who are owed money by the estate.


 A **deceased estates notice** is an advertisement placed in [The Gazette](#) which contains the details of a deceased person and the executor/administrator, so that anyone or any organisation owed money by the deceased person's estate can come forward.

[Placing a deceased estates notice](#) demonstrates that enough effort has been made to find creditors before distributing an estate to its beneficiaries (the people who will inherit the estate). This protects the executor from being personally responsible for money owed to any unidentified creditors.

 If you don't place a notice and a creditor comes forward after the estate has been distributed, then you may have to pay the creditor yourself.

### Place a deceased estates notice

- Before you begin:** make sure you have at least one of the following:
  - grant of probate
  - letter of administration
  - death certificate
- Decide which services you want:** as well as placing a deceased estates notice, you can also use The Gazette to place an advertisement in a newspaper that is local to the deceased. There is also a forwarding service for deceased estates, which replaces your address with The Gazette's postal box, so all correspondence can be sent on to you while your address stays private. If you do not use the forwarding service, your address will be recorded in the public domain permanently. View The Gazette's [price list](#).
- Once you're ready to place a notice:** [register](#) or [sign in](#), and then go to 'Place a notice' from the 'My Gazette' dropdown.
- Complete the form:** select which Gazette edition, then 'Personal Legal' and 'Deceased Estates', and fill out the remaining fields, including uploading the required documentation.
- Submit:** submit your notice and check out.

 Once the deceased estates notice has been placed, creditors have 2 months and 1 day to make a claim against the estate.

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## 5. Finalising the estate

### Collect the assets

If you are an executor of a will, it's a good idea to open a bank account on behalf of the estate. You can then start to collect the money and property from the estate in the newly opened bank account.



Banks and other institutions will only transfer money from the deceased's bank account into the executor's account once a grant of probate has been issued.

### Pay any debts and taxes

There is a set order of priority for paying off debts:

1. funeral expenses, if not previously paid
2. taxes that are due
3. creditors, such as loans, mortgages, and outstanding debts
4. beneficiaries, if there is a will and no unpaid creditors have come forward

### Keep a record of all accounts

The next step is for the executor to prepare the final estate accounts, with a summary of:

- the value of the assets in the estate on the date the person died
- how much they owed when they died (the liabilities)
- any income received during the period of administration (the period between deceased's death and the distributing of the estate)
- the changes in asset value (such as an increase in a property price)
- administrative expenses during the period of administration
- who has inherited what (the distribution of the assets)

You should send a copy of the final accounts to each of the main beneficiaries. It's a good idea to ask them to sign and return a copy.

### Distribute the estate

Once all debts and taxes have been paid, you can distribute the estate as detailed in the will (or according to the law if there is no will), provided that:

- it's been 2 months and 1 day since you placed a deceased estates notice in The Gazette – so any unknown creditors have had to time to come forward
- it's been at least 6 months since you applied for probate – to make sure any inheritance claims haven't been made



Beneficiaries may have to pay [Income Tax](#) if the assets they inherit generate income for them.

# Checklist

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Collect the assets		
Pay any debts and taxes		
Keep a record of all accounts		
Distribute the estate		