

Register the death

Register the death within 5 days (8 days in Scotland) - this includes weekends and bank holidays. (In Reading: The Civic Offices, Bridge Street, Reading, RG1 2LU)

Before you can register the death you'll need either:

- a medical certificate - ask the GP or hospital doctor
- permission from the coroner that you can register the death - if the death was *reported to a coroner* (Procurator Fiscal in Scotland)

You'll get a 'certificate for a burial' to give to the funeral director, or an application for cremation which you need to complete and give to the crematorium.

You must do one of these before the funeral can take place.

When a death is reported to a coroner

A doctor may report the death to a coroner if the:

- cause of death is unknown
- death was violent or unnatural
- death was sudden and unexplained
- person who died was not visited by a medical practitioner during their final illness
- medical certificate is not available
- person who died was not seen by the doctor who signed the medical certificate within 14 days before death or after they died
- death occurred during an operation or before the person came out of anaesthetic
- medical certificate suggests the death may have been caused by an industrial disease or industrial poisoning.

The coroner may decide that the cause of death is clear. In this case:

1. The doctor signs a medical certificate.
2. You take the medical certificate to the registrar.
3. The coroner issues a certificate to the registrar stating a post-mortem is not needed.

Post mortem

The coroner may decide a post-mortem is needed to find out how the person died. This can be done either in a hospital or mortuary.

You cannot object to a coroner's post-mortem - but if you've asked the coroner must tell you (and the person's GP) when and where the examination will take place.

After the post-mortem

The coroner will release the body for a funeral once they have completed the post-mortem examinations and no further examinations are needed.

If the body is released with no inquest, the coroner will send a form ('Pink Form - form 100B') to the registrar stating the cause of death.

The coroner will also send a 'Certificate of Coroner - form Cremation 6' if the body is to be cremated.

If the coroner decides to hold an inquest

A coroner must hold an inquest if the cause of death is still unknown, or if the person:

- possibly died a violent or unnatural death
- died in prison or police custody

You cannot register the death until after the inquest. The coroner is responsible for sending the relevant paperwork to the registrar.

The death cannot be registered until after the inquest, but the coroner can give you an interim death certificate to prove the person is dead. You can use this to *let organisations know* of the death and *apply for probate*.

When the inquest is over the coroner will tell the registrar what to put in the register.

Arrange the funeral

The funeral can usually only take place after the death is registered. Most people use a funeral director, though you can arrange a funeral yourself.

Funeral directors

Choose a funeral director who's a member of either:

- National Association of Funeral Directors
- The National Society of Allied and Independent Funeral Directors (SAIF)

These organisations have codes of practice - they must give you a price list when asked. Some local councils run their own *funeral services*, for example for non-religious burials. The *British Humanist Association* and *Institute of Civil Funerals* can also help with non-religious funerals.

Arranging the funeral yourself

Contact the Cemeteries and Crematorium Department of your local council to arrange a funeral yourself.

Funeral costs

Funeral costs can include:

- funeral director fees
- things the funeral director pays for on your behalf (called 'disbursements' or 'third-party costs'), for example crematorium or cemetery fees, or a newspaper announcement about the death
- local authority burial or cremation fees

Funeral directors may list all these costs in their quote. You can get quotes from several funeral directors to see what is available within your budget.

Paying for a funeral

The funeral can be paid for:

- from a financial scheme the person had, for example a pre-paid funeral plan or insurance policy
- by you, or other family members or friends
- with money from the person's estate (savings, for example) - getting access to this is called applying for a 'grant of representation' (sometimes called '*applying for probate*')

You can apply for a *Funeral Expenses Payment* if you have difficulty paying for the funeral.

Find bereavement services from your council

Contact your council to find resources and support to help in times of bereavement.

(go to: info.westberks.gov.uk search *bereavement services*)

Get help with funeral costs (Funeral Expenses Payment)

1. How it works

You could get a Funeral Expenses Payment (also called a Funeral Payment) *if you get certain benefits* and need help to pay for a funeral you're arranging.

This guide is also available *in Welsh (Cymraeg)*.

If you receive money from the deceased's estate

Your Funeral Expenses Payment will be deducted from any money you get from the deceased's estate.

The estate includes any money or property they had but not a house or personal things left to a widow, widower or surviving civil partner.

What you'll get

Funeral Expenses Payment can help to pay for some of the costs of the following:

- burial fees for a particular plot
- cremation fees, including the cost of the doctor's certificate
- travel to arrange or go to the funeral
- the cost of moving the body within the UK, if it's being moved more than 50 miles
- death certificates or other documents

You can also get up to £700 for any other funeral expenses, such as funeral director's fees, flowers or the coffin.

The payment will not usually cover all of the costs of the funeral.

How much you get depends on your circumstances. This includes any other money that's available to cover the costs, for example from an insurance policy or the deceased person's estate.

Check the claim form notes for full details of what Funeral Expenses Payment covers.

If the deceased had a pre-paid funeral plan, you can only get up to £120 to help pay for items not covered by their plan.

How the money is paid

Funeral Expenses Payment is *paid into your bank, building society or credit union account* if you've already paid for the funeral.

The money will be paid directly to the organiser of the funeral (for example, the funeral director) if you have not paid yet.

2. Eligibility

You can get a Funeral Expenses Payment if all of the following apply:

- you get certain benefits or tax credits
- you meet the rules on your relationship with the deceased
- you're arranging a funeral in the UK, the *European Economic Area (EEA)* or Switzerland

You might be able to get *other help to pay for the funeral* if you're not eligible for Funeral Expenses Payment.

Benefits and tax credits you must get

You (or your partner) must get one or more of the following:

- Income Support
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- Pension Credit
- Housing Benefit
- the disability or severe disability element of Working Tax Credit
- Child Tax Credit
- Universal Credit

You might also be eligible if you're getting a Support for Mortgage Interest loan.

You can still claim Funeral Expenses Payment if you've applied for these benefits and you're waiting to hear about your claim.

If you were responsible for a deceased child but you're not their parent, the non-resident parent must get one or more of these benefits.

If there's a close relative of the deceased who is not getting one of these benefits, you might not be able to claim Funeral Expenses Payment.

Rules on your relationship with the deceased

You must be one of the following:

- the partner of the deceased when they died
- a close relative or close friend of the deceased
- the parent of a baby stillborn after 24 weeks of pregnancy
- the parent or person responsible for a deceased child who was under 16 (or under 20 and in approved *education or training*)

You might not get a Funeral Expenses Payment if another close relative of the deceased (such as a sibling or parent) is in work.

If the funeral will take place in the EEA or Switzerland

Contact the Social Fund to check if you're eligible.

Social Fund

Telephone: 0800 169 0140

Textphone: 0800 169 0286

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 169 0140

Welsh language: 0800 169 0240

Monday to Friday, 8am to 6pm

Find out about call charges

3. Make a claim

You must apply within 6 months of the funeral, even if you're waiting for a decision on a *qualifying benefit*.

You can make a claim before the funeral if you've got an invoice from the funeral director.

You cannot make a claim if you've only been given an estimate.

If you get Universal Credit, you will not get a decision on your claim until after your next payment.

There's a different way to claim if you live in *Northern Ireland*.

How to claim

Claim by phone by calling the Bereavement Service helpline.

Bereavement Service helpline

Telephone: 0800 731 0469

Welsh language: 0800 731 0453

Textphone: 0800 731 0464

Welsh language textphone: 0800 731 045

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 731 0469

Monday to Friday, 8am to 6pm

Find out about call charges

An adviser will also help you claim any other bereavement benefits you might be entitled to.

You can also claim by post. Download and fill in the *claim form*, then send it to the address on the form.

Appeal a Funeral Expenses Payment decision

You can *appeal to the Social Security and Child Support Tribunal* if you disagree with a decision about Funeral Expenses Payment.

Tell Us Once

Tell Us Once is a service that lets you report a death to most government organisations in one go.

When you *register the death* the registrar will:

- let you know if the service is available in your area
- give you the phone number
- give you a unique reference number to use the *Tell Us Once service online* or by phone

Before you use Tell Us Once

You'll need the following details of the person who died:

- date of birth
- National Insurance number
- driving licence number
- vehicle registration number
- passport number

You'll also need:

- details of any benefits or entitlements they were getting, for example State Pension
- details of any local council services they were getting, for example Blue Badge
- the name and address of their next of kin
- the name and address of any surviving spouse or civil partner
- the name, address and contact details of the person or company dealing with their estate (property, belongings and money), known as their 'executor' or 'administrator'
- details of any public sector or armed forces pension schemes they were getting or paying into

You need permission from the next of kin, the executor, the administrator or anyone who was claiming joint benefits or entitlements with the person who died, before you give their details.

Organisations Tell Us Once will contact

Tell Us Once will notify:

- HM Revenue and Customs (HMRC) - to deal with personal tax (you need to *contact HMRC separately* for business taxes, like VAT)
- Department for Work and Pensions (DWP) - to cancel benefits, for example Income Support
- Passport Office - to cancel a British passport
- Driver and Vehicle Licensing Agency (DVLA) - to cancel a licence and remove the person as the keeper of up to 5 vehicles (*contact DVLA separately if you keep or sell a vehicle*)
- the local council - to cancel Housing Benefit, Council Tax Benefit, a Blue Badge, inform council housing services and remove the person from the electoral register
- Veterans UK - to cancel Armed Forces Compensation Scheme payments

HM Revenue and Customs (HMRC) and the Department for Work and Pensions (DWP) will contact you about the tax, benefits and entitlements of the person who died.

Tell Us Once will also contact some public sector pension schemes so that they cancel future pension payments. They'll notify:

- My Civil Service Pension
- NHS Pension Scheme
- Armed Forces Pension Scheme
- pension schemes for NHS staff, teachers, police and firefighters in Scotland
- local authority pension schemes, except where Tell Us Once is not available

There's a *different process* to update property records if the person who died owns land or property.

Report the death without a Tell Us Once reference number

If Tell Us Once is not available

You'll have to *let the relevant organisations know* about the death yourself if:

- your local register office does not offer the Tell Us Once service
- you choose not to use it
- the person died abroad in *a country where Tell Us Once is not available*

Banks and other financial organisations

Contact the person's bank or mortgage, pension or insurance providers to close or change the details of their accounts.

You'll also need to tell utility companies and landlords yourself. Contact the following organisations if you cannot use the Tell Us Once service.

HM Revenue and Customs (HMRC)

Contact HMRC, who will work out whether the right amount of tax has been paid by the person who died. They'll let you know:

- what tax they need to collect or repay
- whether you need to fill in a *Self Assessment tax return* on the person's behalf, for example when the estate continues to receive income

You can also use HMRC's *bereavement tool* to work out which forms to fill in and where to send them.

Inheritance Tax may be due on the person's estate after they die.

You may be able to get *free tax advice* if you're on a low income.

National Insurance (NI) Contributions Office

Contact the *NI Contributions Office* to cancel the person's NI payments if they were self-employed or paying voluntary NI.

Child Benefit Office

Contact the *Child Benefit Office* if a child or the parent dies. You need to do this within 8 weeks of the death.

Tax Credit Office

Contact the *Tax Credit Office* if your partner or a child you're responsible for dies. You need to do this within 1 month of the death.

Department for Work and Pensions (DWP)

Contact the bereavement service to cancel the person's benefits and entitlements, including their State Pension. They'll also check if you're eligible for help with funeral costs or other benefits.

DWP Bereavement Service

Telephone: 0800 731 0469

Textphone: 0800 731 0464

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 731 0469

Welsh language: 0800 731 0453

Welsh textphone: 0800 731 0456

Find out about call charges

Personal, workplace and armed forces pensions

What you need to do to stop pension payments will depend on the type of pension.

Use the *Pension Tracing Service* to find details of the person's personal or workplace pension.

Contact *Veterans UK* if the person had an armed forces pension.

Vehicles and driving licences

Contact the *Driver and Vehicle Licensing Agency (DVLA)* if the person held a driving licence or owned a vehicle.

Bereavement Support Payment

Eligibility

You may be able to get Bereavement Support Payment if your husband, wife or civil partner died on or after 6 April 2017.

You could be eligible if your partner either:

- paid National Insurance contributions for at least 25 weeks
- died because of an accident at work or a disease caused by work

When they died you must have been:

- under State Pension age
- living in the UK or a *country that pays bereavement benefits*

You cannot claim Bereavement Support Payment if you're in prison.

If your husband, wife or civil partner died before 6 April 2017

You may be able to get one or more of the following:

- *Bereavement Payment* (a one-off payment)
- *Bereavement Allowance* (monthly payments)
- *Widowed Parent's Allowance* (if you're bringing up children)

What you'll get

You'll get a first payment and then up to 18 monthly payments. There are 2 rates.

<u>Rate</u>	<u>First Payment</u>	<u>Monthly Payment</u>
Higher	£3500	£350
Lower	£2500	£100

If you get Child Benefit (or if you do not get it but are entitled to it), you'll get the higher rate. If you do not get Child Benefit, you'll get the lower rate unless you were pregnant when your husband, wife or civil partner died.

You must claim within 3 months of your husband, wife or civil partner's death to get the full amount. You can claim up to 21 months after but your payments will be less.

Your payments will be paid into your *bank or building society account*.

If you get benefits

Bereavement Support Payment will not affect your benefits for a year after your first payment. After a year, any payment you have left over could affect the amount of benefit you're eligible for.

You must tell your benefits office (for example, your local Jobcentre Plus) when you start getting Bereavement Support Payment.

How to claim

How you apply depends on where you are.

If you're in England, Scotland or Wales

You can apply using a form or by phone.

Download a *Bereavement Support Payment pack (form BSP1)* or order it over the phone from your *local Jobcentre Plus*.

Take the completed form to your local Jobcentre Plus or send it to:

Bereavement Support Payment

Mail Handling Site A

Wolverhampton

WV98 2BS

Bereavement Service helpline

Telephone: 0800 731 0469

Textphone: 0800 731 0464

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 731 0469

Monday to Friday, 8am to 6pm

Find out about call charges

Guardian's Allowance

What you'll get

The Guardian Allowance rate is:

- £17.20 a week per child
- tax-free
- paid on top of your *Child Benefit* payments

How the money is paid

Usually, the money is paid into a *bank account* every 4 weeks. It can be paid weekly if you're a single parent or getting certain other benefits, such as Income Support. You can get the money paid into any account, apart from a Nationwide Building Society account in someone else's name.

Effect on other benefits

Guardian's Allowance doesn't count as income if you're claiming tax credits, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance.

Guardian's Allowance is not affected by the *High Income Child Benefit charge*. If you decide not to be paid Child Benefit your Guardian's Allowance can continue.

Guardian's Allowance doesn't count towards the *benefit cap*.

Use a *benefits calculator* to work out what benefits you can get.

Eligibility

To get Guardian's Allowance all of the following must apply:

- you're bringing up someone else's child
- the child's parents are dead (see conditions for one surviving parent below)
- you qualify for *Child Benefit*
- one of the parents was born in the UK (or was living in the UK since the age of 16 for at least 52 weeks in any 2-year period)

If you adopt a child you may still get Guardian's Allowance as long as you were getting it before you adopted the child.

One parent survives

You could get Guardian's Allowance if one of the following is true:

- you don't know where the surviving parent is
- the parents were divorced or their civil partnership had dissolved, the surviving parent doesn't have custody and isn't maintaining the child and there isn't a court order in place saying they should
- the parents weren't married, the mother has died and the father is unknown
- the surviving parent will be in prison for at least 2 years from the date of death of the other parent
- the surviving parent is in a hospital by court order

Use a *benefits calculator* to check the benefits you're entitled to.

How to claim

To avoid losing money, claim Guardian's Allowance as soon as the child comes to live with you.

1. Fill in the *claim form (BG1)*.
2. Send it to the *Guardian's Allowance Unit* with the child's full birth certificate and the parents' death certificates (or certificate if one parent has died) - send originals.

You should also *claim Child Benefit* as soon as possible.

Guardian's Allowance can be backdated for up to 3 months.

You can also *call the Guardian's Allowance Unit* and ask for a claim pack.

If you disagree with a decision

You can *challenge a decision* about your claim. This is called asking for mandatory reconsideration.

Changes to your circumstances

If your circumstances change, your entitlement to Guardian's Allowance could be affected or your payments could stop.

You must report changes straight away. You can do this online if:

- the child goes to live with someone else
- you go abroad, either temporarily (for more than 8 weeks), or permanently (for more than 1 year)
- the child leaves full-time education or approved training
- your bank or contact details change
- you find out where the surviving parent is
- the surviving parent comes out of hospital or prison (or has their sentence shortened)
- the surviving parent makes a payment towards their child's upkeep

You can also report a change of circumstance by phone or post.

Your benefits, tax and pension after the death of a spouse

Tax and National Insurance

Your income will probably change after the death of your husband, wife or civil partner.

If you get extra money from pensions, annuities, benefits or an inheritance, you may need to pay more tax. You may be on a lower income and need to pay less tax.

Your tax allowances - the income you do not pay tax on - may also change.

Income you must report

Tell HMRC if you get:

- interest from a bank, building society or a National Savings and Investment product, eg pensioner income, capital bonds
- income from letting out property
- income from Purchased Life Annuities
- Widowed Parent's Allowance or Bereavement Allowance
- Carer's Allowance
- foreign pension payments
- other income that should have been taxed but has not been

You do not need to tell HMRC about:

- income your employer pays tax on through PAYE
- income from a private pension
- income which does not get taxed, eg from an Individual Savings Account (ISA)
- any income if you'll *reach State Pension age* within 4 months
- getting Jobseeker's Allowance (JSA), Incapacity Benefit, Employment and Support Allowance (ESA) or Bereavement Support Payment.

How to tell HMRC

Tell HMRC about a change in your income:

- in your next *Self Assessment tax return*, if you're registered for Self Assessment
- *by phone*

Tax allowances

If you pay Income Tax, you'll have a *Personal Allowance* - income you do not pay tax on. Your allowance may change if your income changes. HMRC will automatically adjust your Personal Allowance when you tell them about your change of income.

Married Couple's Allowance

If you or your husband, wife or civil partner were born before 6 April 1935, you may have been claiming *Married Couple's Allowance*. You'll still get the allowance for the current tax year (up to 5 April) but HMRC will automatically stop it after that and you'll get just your *Personal Allowance*.

Blind Person's Allowance

If your husband, wife or civil partner was claiming *Blind Person's Allowance*, ask HMRC to transfer what's left of their Blind Person's Allowance for the current tax year (up to 5 April) to you.

HMRC Blind Person's Allowance enquiries

Telephone: 0300 200 3301

Monday to Friday, 8am to 8pm

Saturday, 8am to 4pm

Find out about call charges

Reduced rate National Insurance

If you're a widow and you were married before April 1977, you might be paying a *reduced rate of National Insurance* (sometimes called the 'small stamp').

You may be able to keep paying the reduced rate. *Contact HMRC* to find out what you should do

Benefits

You'll have to make new claims for some benefits that your husband, wife or civil partner was claiming for your family.

You may also be able to claim other benefits to help with your bereavement or if you're on a lower income because of the death.

Bereavement benefits

You may be able to get:

- *Funeral Expenses Payment* - to help towards the cost of a funeral if you're on a low income
- *Bereavement Support Payment* - if your husband, wife or civil partner died on or after 6 April 2017

If your husband, wife or civil partner died before 6 April 2017 you may be able to get:

- *Bereavement Allowance* - if you're aged between 45 and State Pension age
- *Bereavement Payment* - if your husband, wife or civil partner paid National Insurance
- *Widowed Parent's Allowance* - if you have at least one dependent child

Phone the Department for Work and Pensions (DWP) Bereavement Service to check if:

- you can get bereavement benefits
- the death will affect any other benefits you're already claiming

DWP Bereavement Service

Telephone: 0800 731 0469

Textphone: 0800 731 0464

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 731 0469

Find out about call charges

You'll have to make new claims for Child Benefit and tax credits if your husband, wife or civil partner was claiming them.

Child Benefit

You'll need to make a new claim for *Child Benefit* if you were not the person named as the claimant on the original claim form.

Tax credits

You should tell the Tax Credit Office about the death within one month if you have not already heard from them. Phone the *Tax Credit Helpline* to report the death.

If your income is lower

You may be able to get benefits if you're on a lower income following the death of your husband, wife or civil partner. Use a *benefits calculator* to work out what benefits you can get and find out how to claim.

You may also be able to apply for:

- *Winter Fuel Payment* - if you were born on or before 5 July 1952
- *Cold Weather Payment* - if you're on a low income
- *Warm Home Discount Scheme*

You may have to pay *Income Tax on some benefits* you claim.

Your benefits, tax and pension after the death of a spouse

Pensions

You may be able to get extra pension payments from your husband, wife or civil partner's pension or National Insurance contributions.

State Pension

You need to be over *State Pension age* to claim extra payments from your husband, wife or civil partner's State Pension.

What you get and how you claim will depend on whether you reached State Pension age before or after 6 April 2016.

Contact the *Pension Service* to check what you can claim.

If you reached State Pension age before 6 April 2016

You'll get any *State Pension* based on your husband, wife or civil partner's National Insurance contribution when you claim your own pension.

You will not get it if you remarry or form a new civil partnership before you reach State Pension age.

If you reached State Pension age on or after 6 April 2016

You'll receive the 'new State Pension' and you may be able to *inherit an extra payment* on top of your pension.

Private pensions

You may get payments from your husband, wife or civil partner's workplace, personal or stakeholder pension - it will depend on the pension scheme. Contact the pension scheme to find out.

You'll have to pay *tax on those payments* if the pension provider does not pay it for you.

War Widow's or Widower's Pension

You may be able to get *War Widow's or Widower's Pension* - if your husband, wife or civil partner died because of their service in the Armed Forces or because of a war.

What to do if a child or baby dies

You must *register the death* in the normal way, but you may also need to report the death of a child to other organisations depending on your circumstances.

Child Benefit

You should *tell the Child Benefit Office* as soon as possible if you're claiming Child Benefit.

Child Benefit payments will usually carry on for 8 weeks after a child's death.

You may still be able to claim Child Benefit if your child died before you made a claim.

If a newborn baby dies

You're entitled to up to 8 weeks of Child Benefit if you claim within 3 months of the death. If the child died before the end of the week they were born in, the 8 weeks starts from the Monday following the death.

If a child is stillborn

You cannot claim Child Benefit if the child's stillborn.

Tax credits

If you're claiming tax credits and your child dies, your payments may change. You'll need to *tell HM Revenue and Customs (HMRC)* within 1 month of the death. If you do not, you might:

- have to pay back overpayments
- not get all the money you're owed

You can continue to get tax credits for up to 8 weeks following the death.

If the child died before you claimed tax credits, you can still claim (unless the child was stillborn). Call HMRC to claim.

Sure Start Maternity Grant

You can still get the grant if you qualify. You must *make a claim* within 3 months of the birth.

Maternity and paternity leave and pay

You'll still qualify for leave and pay if your baby:

- is stillborn after the start of the 24th week of pregnancy
- dies after being born

Child Trust Fund payments

When a child dies, any money in their Child Trust Fund account - including any payments from the government - usually passes to whoever inherits the child's estate.

Apply to settle in the UK if your partner dies

Overview and fees

You may be eligible to apply for settlement (indefinite leave to remain in the UK) if your partner has died. Your partner must have either:

- been a British citizen
- had indefinite leave to remain in the UK

Your permission to be in the UK must have been based on being their partner. A 'partner' is one of the following:

- your spouse (husband or wife)
- your civil partner
- someone you were living with in a relationship that's like a marriage or civil partnership
-

When to apply

You can apply any time after your partner's death. You do not have to wait until your current visa expires.

You must be in the UK when you apply.

Fees

The application fee is £2,389.

You also need to pay £2,389 for each child you add to your application. for *British citizenship*, if you meet the requirements

How long you can stay

Getting indefinite leave to remain means you can continue to live and work in the UK for as long as you like. It will also mean you're eligible:

- to work in any job
- to run a business
- for public services, such as healthcare and schools
- for public funds and pensions
- for *British citizenship*, if you meet the requirement

Eligibility

Your permission to be in the UK must be based on your relationship.

Before your partner died, you must have got a *visa as their partner* (but not as their fiancé, fiancée or proposed civil partner).

When your partner died, you must have:

- been living together in the UK
- intended to live together permanently in the UK

Your partner must not have been living permanently in any other country.

You do not need to take the Life in the UK Test or prove your English language skills.

When your application can be refused

Your application might be refused if, for example, you've:

- got a criminal record in the UK or another country
- provided false or incomplete information to the Home Office
- broken UK immigration law

Read the guidance on *why applications can be refused*.

Documents you must provide

You must provide:

- a current passport or other valid travel identification
- any previous passports you've had while living in the UK
- your biometric residence permit, if you have one
- your police registration certificate (unless you *did not need to register*)
- your partner's death certificate
- proof of your relationship, for example your certificate of marriage or civil partnership
- proof that you and your partner were living together

Proof that you were living together

You need documents to show that you lived with your partner until they died, starting from when you got permission to be in the UK as their partner.

Provide 6 official documents addressed to both of you, or each of you individually, at the same address.

Include as many different types of documents as you can, for example:

- gas, water or electricity bills
- telephone bills
- Council Tax bills
- bank statements and letters
- letters from a government department
- letters about your TV Licence
- tenancy agreements
- mortgage agreement or statements
- letters from your GP, a hospital or health service

You do not need to take the Life in the UK Test or prove your English language skills.

Applying for your children

Your children may be eligible to get settlement (indefinite leave to remain in the UK) at the same time as you.

You can include your children as 'dependants' on your application form if they:

- are under 18
- have permission to be in the UK based on being your late partner's dependant
- are going to live with you in the UK
- will have somewhere to live and be financially supported *without using public funds*
- are not married, in a civil partnership or living an independent life

Your child's application can be refused for other reasons, for example if they've broken UK immigration law. Read the guidance on *why applications can be refused*.

Children you cannot include on your application

Your children may be eligible to apply for settlement separately if your application for settlement is successful. This can include children who are 18 or older.

They must *apply online*. Read the *guidance* to check if they're eligible.

Documents you must provide for your children

For each child you include on your application form, you must provide:

- a current passport or other valid travel identification
- a birth certificate if they were born in the UK
- their biometric residence permit, if they have one
- their police registration certificate if they're 16 or over (unless they *did not need to register*)
- proof they'll live permanently with you, for example letters from your child's school or doctor

Wills, probate and inheritance

You might have to deal with the will, money and property of the person who's died if you're a close friend or relative, or the executor of the will

Overview

Applying for the legal right to deal with someone's property, money and possessions (their 'estate') when they die is called 'applying for probate'.

If the person left a will, you'll get a 'grant of probate'.

If the person did not leave a will, you'll get 'letters of administration'.

You apply for both in the same way.

The process is different in *Scotland and Northern Ireland*.

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

Contact each asset holder (for example a bank or mortgage company) to find out if you'll need probate to get access to their assets. Every organisation has its own rules.

How a probate application works

1. Check if there's a will. There's a different process if *there's no will*.
2. *Value the estate* and report it to HMRC.
3. *Apply for probate*.
4. Pay any Inheritance Tax that's due.
5. Collect the estate's assets, for example money from the sale of the person's property.
6. Pay off any debts, for example unpaid utilities bills.
7. Keep a record ('estate accounts') of how any property, money or possessions will be split.
8. Pass the estate ('distribute the assets') on to the people named in the will ('beneficiaries').

If the person left a will

A will states what should happen to a person's property and belongings ('estate') after they die. It's usually valid if it's been signed by the person who made it and 2 witnesses.

An *executor* is someone named in the will, or in an update to the will (a 'codicil'), as a person who can deal with the estate.

An executor usually applies for probate to deal with the estate.

You need the will and any updates to apply for probate. These must be original documents, not photocopies.

Find the original will

The person who died should have told all the executors where to find the original will and any updates, for example:

- at their house
- with a solicitor
- at the *London Probate Department* - you'll need the death certificate and to prove you're the executor to be sent the will

Get help from a legal professional or *Citizens Advice* if you cannot understand a will or codicil.

You cannot find the original will

You'll need to *fill in a lost will form* if you cannot find the original will.

There's more than one will

Only the most recent will is valid. Do not destroy any copies of earlier wills until you've received probate.

If the person did not leave a will

You can apply to be an 'administrator' of the estate if the person did not leave a will. The process is the same as *applying for probate*.

You'll receive 'letters of administration' to prove you have the legal right to deal with the estate.

Who can apply

You can usually apply if you're the person's next of kin, for example their spouse, civil partner or child.

You can apply if you were still married or in a civil partnership with the person when they died, even if you were separated from them.

You cannot apply if you're the partner of the person but were not their spouse or civil partner when they died. You're not automatically entitled to any of your partner's estate.

Who inherits

The law decides *who inherits the estate if there's no will*.

Read the *rules for inheritance in other EU countries*.

If you're an executor

The person who died will normally have told you if you're an executor.

An executor only receives assets if they're also named as a beneficiary.

If there's more than one executor

If more than one person is named as an executor, you must all agree who makes the application for probate. Up to 4 people can apply.

Every executor who applies for probate must legally declare that the information in the probate application is true.

If only one executor applies they'll need to prove they tried to contact all executors when they apply.

You can *contact your local probate registry* if you're having problems finding other executors.

A probate registry cannot help with disagreements between executors. You'll need to find another way to reach an agreement - this could mean getting legal advice.

If you do not want to or cannot be an executor

The will may name a replacement executor for someone who becomes 'unwilling or unable' to deal with the estate.

Contact your local probate registry if no executors are willing or able to apply for probate.

You do not want to be an executor

You can do one of the following:

- completely give up your right to apply for probate ('renunciation') - *fill in a renunciation form* and send it with the probate application form
- reserve your right to apply for probate later if another executor cannot deal with the estate (holding 'power reserved')
- appoint an attorney to act on your behalf - *fill in an attorney form* and send it with the probate application.

When an executor is unable to apply for probate

A replacement executor should apply for probate if the executor is unable to, for example because:

- they've died
- they do not have 'mental capacity' - get a doctor to *fill in a mental capacity form* and send it with the probate application

Applying for probate

If you're an executor you can apply for probate yourself or use a solicitor or another person licensed to provide probate services.

If there's no will you can apply for letters of administration. You follow the same steps as applying for probate but you can only apply by post.

Report the estate's value and pay any inheritance tax you owe

You must before you apply for probate. Depending on its value, you may have to pay *Inheritance Tax*.

You may get a *penalty* if you send inaccurate information on your Inheritance Tax form.

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

You can claim the tax back from the estate or the beneficiaries, if you pay it out of your own bank account.

Apply for probate online

You can use this service if you're the executor and you:

- have the original will
- have the original death certificate or an *interim death certificate from the coroner*
- have already *reported the estate's value*

The person who died must have lived in England or Wales most of the time.

You'll need to send your documents by post after you submit your online application.

Apply for probate by post

The form you need to fill in depends on if the person left a will or not.

If the person left a will

Fill in the probate application form PA1P. Send it with your documents.

If the person did not leave a will

Fill in the probate application form PA1A. Send it with your documents.

Sending your documents

Send these documents to your local *Probate Registry*:

- the original will and any additions to it ('codicils')
- 2 copies of the will and additions on plain A4 paper - do not remove any staples or bindings to make the copies
- the death certificate or an *interim death certificate from the coroner*

Use a signed-for postal service to send your documents.

The death certificate will be returned to you but the will and any updates to it will not be.

If the will has been changed or damaged

You must include a cover letter if the will or any updates have changed in any way since you've had them. This includes them being damaged or separated for photocopying.

The letter should explain what's been changed and why.

Fees

The application fee is £215 if the value of the estate is £5,000 or over - there's no fee if the estate is under £5,000.

You can either:

- call the probate registry between 9:30am and 3pm to pay by debit or credit card - you'll be given a reference number to send with your documents
- send a cheque payable to HM Courts and Tribunals Service with your documents

Extra copies of the probate cost 50p each - this means you can send them to different organisations at the same time.

After you've applied

You'll get the grant of probate (or letters of administration) within 20 days of sending in your original documents.

Return it to the *Probate Registry* if there's anything wrong with it.

Send a copy to organisations that hold the assets of the person who died, for example their bank.

Get access to financial assets

You can ask for financial assets to be transferred to an agreed 'executorship account'. This can be either:

- an executor's bank account
- an account that's been set up only for dealing with the estate

Every executor named on the grant of probate may need to be present when you withdraw assets. Different asset holders have different rules, so check with them first.

Pay debts

As the executor or administrator you must pay off any debts or outstanding payments before distributing the estate. This could include:

- outstanding bills
- tax owed

Place a notice in The Gazette to give creditors the chance to claim anything they're owed. This will protect you from responsibility for any debts.

You can use money from the estate to pay any solicitor's fees as part of the probate process.

Jointly owned property and bank accounts

Money in a joint bank account automatically passes to the other owners. You still have to include this money as part of the estate when you work out *Inheritance Tax*.

If the person who died owned the whole of the home with another person ('joint tenancy'), ownership passes to the other owner. Otherwise, their share goes to the beneficiary named in the will.

Contact the mortgage company, *check with HM Land Registry* or get legal advice if you're unsure how a property's owned - you may need to *update the property records*.

Distribute the estate

Once all debts and taxes have been paid, you can distribute the estate as detailed:

- in the will
- by the law *if there's no will*

Beneficiaries may have to pay *Income Tax* if the assets they inherit generate income for them.

After this you can prepare the estate accounts. These must be approved and signed by you and the main beneficiaries.

Stopping a probate application

You can stop a probate application ('enter a caveat'), for example because there's a dispute about:

- who can apply for probate
- whether a will exists

A caveat lasts 6 months.

How to enter a caveat

You must be 18 or over.

You can do it yourself, or *use a solicitor* or another person licensed to provide probate services.

You'll need:

- a signed application for a caveat (form PA8)
- the full name, date of death and last address of the person who's died
- a home address in England or Wales

Write to or visit any *Probate Registry* to enter a caveat.

The Probate Registry cannot give legal advice.

Fee

It costs £20 to enter a caveat.

Search for probate records

You can search for a probate record in England and Wales online or by post.

Search online for a probate record

Search online for probate records for people who died after 1857.

You can also order copies of probate records online. Each copy costs £10.

It can take up to 10 working days to receive your documents.

A new probate record will be online approximately 14 days after probate has been issued.

Search for a probate record by post

Download and fill in form *PA1S - Application for a search (copies of grants and wills)*. Send it to the address on the form.

It costs £10. This includes a copy of the probate and the will (if there is one).

You should get a response within 4 weeks.

Get sent a copy of a probate

You can apply to be sent a copy of a probate if it's granted in the next 6 months (a 'standing search').

You can extend the standing search after 6 months.

Update property records when someone dies

How you update the property records when someone dies depends on whether they were the joint or sole owner of a property.

Check the property records if you don't know:

- who owns a property
- whether it's owned jointly or solely

When a joint owner dies

When a joint owner of a property dies, fill in *form DJP* to remove their name from the register.

Send the completed form to *HM Land Registry*, along with an official copy of the death certificate.

When a sole owner dies

When the sole owner of a property has died, the property is normally transferred to either:

- the person inheriting the property (known as 'the beneficiary')
- a third party, for example someone buying the property

If you transfer to a beneficiary

To transfer a property to a beneficiary, download and fill in the following forms:

- '*Change the register*' (sometimes known as form AP1)
- '*Whole of registered title: assent*' (sometimes known as form AS1)

You must also send:

- the original or an official copy of the grant of probate or letters of administration
- the *Stamp Duty Land Tax* certificate or self-certificate, a fee - check the *fee calculator*

The beneficiary must fill in 'Verify identity: citizen' (sometimes known as form ID1). You'll also need to complete the form if you're transferring the property and you're not the executor.

Send all the completed forms and supporting documents to HM Land Registry.

If you sell the property to a third party

You need to:

- *transfer the ownership* of the property
- provide the buyer with an official copy of the probate or letters of administration.

Source: www.gov.uk "what to do when someone dies"