

How to be an executor

What to expect and
key responsibilities



Information and advice you need to help you love later life.

We're Age UK and our goal is to enable older people to love later life.

We are passionate about affirming that your later years can be fulfilling years. Whether you're enjoying your later life or going through tough times, we're here to help you make the best of your life.

Our network includes Age Cymru, Age NI, Age Scotland, Age International and more than 130 local partners.

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What this guide is about

If someone has asked you to be the executor of their estate after their death, you may be wondering what you have to do. In this guide we'll explain what is expected of you and the steps you need to take. Being an executor can involve a lot of work and responsibility, which may go on for months or even years. Think carefully about whether you are willing to act as executor, or indeed whether you are able to.

For more detailed information on the topics covered in this guide, see our factsheet *Dealing with an estate*.

As far as possible, the information given in this guide is applicable across the UK.

If you live in Scotland, please contact Age Scotland for more information.

Key



This symbol indicates where information differs for Wales and Northern Ireland.

What is an executor?

An executor is named in a will to handle a person's estate (their money, property and possessions) after they die.

Who can be an executor?

You can act as an executor even if you are due to inherit something from the will. The person making the will can appoint up to four executors, so you can share the responsibility with others.

What do executors do?

- They make sure all the property owned by the person who's died is secure, as soon as possible after the death.
- They collect all assets and money due to the estate of the person who's died (including property).
- They pay any outstanding taxes and debts (out of the estate).
- They distribute the estate to the people who are entitled to it under the terms of the will.

Executors can claim reasonable expenses from the estate for this work. Solicitors can help you with your role as an executor.

Who can I contact?

Find a solicitor by contacting the Law Society (page 14) or Solicitors for the Elderly (page 14). Alternatively, Age Co Legal Services* offers legal advice and support, through Irwin Mitchell LLP.

For more information

Read our factsheet *Dealing with an estate*.

* Age UK Enterprises Limited trades under the trading name Age Co. Age Co Legal Services are provided by Irwin Mitchell LLP, a limited liability partnership. Registered in England and Wales (number OC343897) and regulated by both the Solicitors Regulation Authority and the Law Society of Scotland. Call Irwin Mitchell on 0800 055 6314 for more information.

An executor's key duties

There are tasks associated with being an executor.

Register the death and get copies of the will

- If necessary, register the death and notify their GP or nearest doctor. This isn't something an executor has to do but you may have to do it if there's no one else who can. It may be best to pay for several certified copies of the death certificate at this time, as additional copies requested at a later date will be more expensive. Unless you're employing a solicitor to deal with the estate, you may need a copy for each company that holds money or other items of value that belonged to the person. These companies are sometimes known as asset holders and include the bank, TV licensing, insurance providers and landlord.
- Find out where the most up-to-date version of the deceased person's will is held and get the original (or a copy if that isn't possible). You must provide a death certificate and proof of your identity. Any other executors must confirm they are happy for you to have the will.
- Make copies of the will for co-executors and beneficiaries and then put the original away in a safe place. Don't tamper with the original or copies in any way (this includes adding staples or paper clips).

Who can I contact?

Contact the Tell Us Once service in England and Wales (page 14) to report a death to most government departments in one go. However, it's not available in every local authority or in Northern Ireland, so you may need to inform departments directly.

Arrange the funeral

- If necessary, arrange the funeral. Check the will to find out if the person who's died had any funeral wishes. If they had a funeral plan, contact the provider immediately. When you receive an invoice for the funeral, you can take it to the deceased person's bank or building society along with a death certificate, the will and your identification. You should be issued with a cheque for the amount due, made payable to the funeral director.
- Inform family, friends and work colleagues of the death. You could put a notice in the local or national newspapers with funeral details so people can attend if they wish.

For more information

Read our guide *When someones dies*.

Valuing the estate

The executor needs to value the estate of the person who's died. Start with everything that they owned at the time of their death. This includes property, possessions and money, minus any debts, such as a mortgage, loans and bills.

For assets such as property or land, you should get a professional valuation. HMRC recommends having items worth over £500 valued professionally.

Property and post

If there is an unoccupied property, secure it and inform the insurers immediately. The estate itself may have to replace the person who's died as the policy-holder, and the insurer may ask you to make regular checks on the condition of the property while it's unoccupied. You may have to get a new home insurance policy if the current one doesn't cover an empty property. To stop postal deliveries to the property, contact the Bereavement Register (page 13).

Apply for probate

A grant of probate gives you the legal right to deal with someone's estate.

First, check whether a grant of probate is needed. You may not need one for a small estate (usually less than £5,000 in England and Wales, or less than £10,000 in Northern Ireland). In this case write to the bank and building society and ask whether they will make a payment without receiving a grant of probate.

To apply for probate, complete form PA1 and the relevant Inheritance Tax (IHT) form. Call the Probate and Inheritance Tax Helpline (page 14) for more information and to get the correct forms. These should then be sent to the local probate registry along with:

- an official copy of the death certificate
- the original will and three copies of it
- the fee of £215 (£200 in Northern Ireland)

In Northern Ireland, contact the Probate Office (page 14) to get the correct forms and arrange an appointment.

When you receive a grant of probate, make several copies, as you will need them for asset holders. Send an office copy (as issued by the Probate Registry) with instructions to asset holders. When the assets are released, pay the proceeds into the executor's account (except anything that has been specifically passed on to someone else).

You must pay any inheritance tax (IHT) due before applying for the grant of probate (see page 9 for more information).

Finances

- Send an original death certificate to any asset holders, such as banks, building societies and insurance companies. Ask for direct debits to be cancelled and find out the account balances and investment values at the date of the death.
- Stop the payment of salary, pensions and state benefits. Advise the issuers of credit cards, passport, driver's licence and TV licence of the death and act on their instructions. The Tell Us Once service can help with contacting some of these departments in England and Wales (page 14).
- Request information on any debts belonging to the person who's died, and any overpayments made to them. Check through their paperwork looking for bills or statements, and contact organisations such as energy suppliers or the local council to ask if the deceased person owed any money. If you think there might be more debts than assets, the estate might be insolvent. In that case you will need professional help before you do anything else.
- If you don't use the Tell Us Once Service, contact the deceased person's tax office to find out whether any other tax, such as income tax, is owed.
- Some banks offer an executor's account into which you can transfer any money paid to the estate. This stops estate money getting confused with your personal finances.
- You must pay any outstanding tax, debts or bills before you can legally distribute the estate. It's advised that you place 'statutory notices for creditors' in the press, allowing two months for claims to be made. If you don't, you and any other executor(s) are personally responsible for any claims that arise. If you put up the notice, any future claims are made against the beneficiaries instead.
- Get clearance from HMRC for any IHT, Income Tax or Capital Gains Tax liability.

Distribute the estate

These are the main tasks involved in distributing the estate of someone who's died:

- If the will states that a specific item of personal property is to be given ('bequeathed') to someone, you can do this before probate is granted, but make sure you have the items valued (see page 5 for more information about valuing the estate).
- When probate is granted, draw up estate accounts for each beneficiary, accounting for all the assets collected, income accrued and any bills paid.
- Carry out bankruptcy searches on the beneficiaries by searching on the Individual Insolvency Register (page 13). Visit www.gov.uk/search-bankruptcy-insolvency-register or call the Insolvency Service enquiry line on 0300 678 0015 to find out more. Beneficiaries who are bankrupt may not be entitled to receive their inheritance from the estate.
- Distribute the estate in accordance with the terms of the will, making sure at least two trustees are named for any gifts left to beneficiaries under 18. You may want to wait at least six months after probate is granted before distributing the estate in case any claims are made against it.
- Give each beneficiary an R185 tax form (ask the Probate and Inheritance Tax Helpline for more information – page 14) for their share of estate income. Keep clear records of the work you've done, so you can answer any questions or challenges over how you administered the estate.

For more information

Read our free guide *When someone dies* and our factsheet *Dealing with an estate*.

Inheritance Tax

Inheritance Tax (IHT) may have to be paid on the estate if it is worth more than a certain amount. Most estates are below the threshold – currently £325,000 – so don't need to pay any IHT.

If the house was left to the children or grandchildren of the person who's died, the tax-free allowance increases to £450,000. After that, the tax payable is 40%. In April 2019 this increases to £475,000.

There is no IHT to pay on estates left to a spouse, civil partner or charity. If one partner dies and has not used their tax-free allowance, this can be passed on to the surviving partner, giving them a higher threshold of up to £900,000 before IHT will apply. In April 2019 this increases to £950,000.

If there could be IHT to pay, get a professional valuation on high-value items such as a house or stock market investments, as you need to give HMRC a detailed account along with valuations. If the valuations aren't accurate, you may have to pay penalties. List any major gifts made by the deceased person in the past seven years, as these may be liable for IHT.

You can order an IHT form by calling the Probate and Inheritance Tax helpline, (page 14) or download one from www.gov.uk/government/collections/inheritance-tax-forms. If necessary, arrange an executor's loan account with a bank to pay IHT. Sometimes the deceased person's bank or building society may release money to pay IHT without requiring a loan arrangement.

For more information

Read our free factsheet *Dealing with an estate* for more detailed information on valuing the estate and IHT.

Dealing with assets

Joint accounts

Normally, any money held in a joint account automatically transfers to the surviving joint owner. Send a death certificate to the bank so that it can update its records. The value of the person who's died share is included when calculating the value of the estate for Inheritance Tax (IHT).

Jointly owned property

If the person who's died owned property with another person as 'beneficial joint tenants', their share of the property automatically passes to the surviving joint owner. The property itself doesn't form part of the estate, but the value of the deceased person's share in it is included when calculating the value of the estate for IHT.

Pension schemes

If the person who's died had a pension, contact the company and provide a death certificate. Ask whether death benefits are payable and whether there is a pension for a spouse, civil partner or children. Confirm whether any money can be paid directly to someone, rather than forming part of the estate. If the money does form part of the estate, check whether the amount needs to be included in any IHT return.

Life insurance policies

If the person who's died had a life insurance policy, contact the insurance company as soon as possible to find out what you need to do before it can pay out. Confirm whether any money should be payable directly to a beneficiary, rather than forming part of the estate. If it does form part of the estate, check that the amount doesn't need to be included in any IHT return.

Debts

Collect any debts owed to the person who's died.

What if I change my mind?

Think carefully before accepting the role of executor, as it can be difficult to go back on your decision later. You won't be able to step down once you have started carrying out any actions as an executor. If any claims against the estate come up in the future, you have to deal with them and you must carry out your duties correctly (see pages 4-8 for more information).

If you have accepted the role but later change your mind, you have various options:

- If you can, talk about your decision to the person who appointed you so that they can change their will.
- Immediately after the person has died, speak to the Probate Registry (page 14) or to a legal professional about your options.
- After the person has died but before you've started to deal with the estate, you may need to complete a form of renunciation.
- After the person has died and when you've started to deal with the estate, you cannot step down unless you have a good reason, such as ill health or a family emergency. If you live in Northern Ireland, you can only appoint someone to act in your place if you are incapable of dealing with your own affairs.



Who can I contact?

Contact your local Citizens Advice (page 13) or a local solicitor or financial adviser if you have any difficulties with legal or financial issues.

Useful organisations

Age UK

We provide advice and information for people in later life through our Age UK Advice line, publications and online.

Age UK Advice: 0800 169 65 65

Lines are open seven days a week from 8am to 7pm.

www.ageuk.org.uk

Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

In Wales, contact

Age Cymru: 0800 022 3444

www.agecymru.org.uk

In Northern Ireland, contact

Age NI: 0808 808 7575

www.ageni.org

In Scotland, contact

Age Scotland: 0800 124 4222

www.agescotland.org.uk

The evidence sources used to create this guide are available on request. Contact resources@ageuk.org.uk

Bereavement Register

Register of names and addresses of deceased persons to help stop unsolicited mail.

Tel: 020 7089 6403

Tel: 0800 082 1230 (24-hour automated registration service)

www.thebereavementregister.org.uk

Citizens Advice

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

In Wales there is a national phone advice service on 0344 477 2020. It is available in some parts of England on 0344 411 1444.

To find details of your nearest CAB, check your phone book, or in:

England or Wales, go to www.citizensadvice.org.uk

Northern Ireland, go to www.citizensadvice.co.uk

HM Revenue and Customs (HMRC)

For information about taxes, including Inheritance Tax.

Probate, Inheritance Tax and Trusts and Deceased Estates

Helpline: Tel: 0300 123 1072

Individual Insolvency Register

Provides a register allowing you to search for bankrupt beneficiaries.

Tel: 0300 678 0015

www.gov.uk/government/organisations/insolvency-service

Law Society of England and Wales

Representative body for solicitors in England and Wales. Use the 'find a solicitor' search tool on its website.

Tel: 020 7242 1222

www.lawsociety.org.uk

In Northern Ireland, contact: **Law Society of Northern Ireland**

Tel: 028 9023 1614

www.lawsoc-ni.org

National Insurance contributions office

Tel: 0300 200 3500

www.hmrc.gov.uk

Principal Probate Registry

Information and advice on dealing with an estate and contact details for local probate registries.

Tel: 0300 123 1072 (**Probate and Inheritance Tax helpline**)

www.gov.uk/wills-probate-inheritance

In Northern Ireland, contact: **Probate Office**

Tel: 028 9072 4678

Solicitors for the Elderly

National organisation who provide specialist legal advice for older and vulnerable people, their families and carers.

Tel: 0844 567 6173

www.sfe.legal

Tell Us Once

Service that allows you to inform several government departments about a person's death at once, such as the housing department, the DVLA and HMRC.

www.gov.uk/tell-us-once

Can you help Age UK?

If you would like to, please complete the donation form below with a gift and return to: **Freepost Age UK REPLY**. Alternatively, you can phone 0800 169 87 87 or visit www.ageuk.org.uk/donate. If you prefer, you can donate directly to one of our national or local partners. Thank you.

Personal details

AGUK0081 MXAQ-18CA07-C024

Title: Initials: Surname:

Address:

Postcode:

We'd like to let you know about the vital work we do for older people, our fundraising appeals and opportunities to support us, as well as the Age UK products and services you can buy. We will never sell your data and we promise to keep your details safe and secure.

I **do not** wish to receive communications by post.

You can change your mind at any time by phoning **0800 169 87 87** or writing to Supporter Services at the registered address below. For further details on how your data is used and stored: www.ageuk.org.uk/help/privacy-policy

Your gift

I would like to make a gift of £:

I enclose a cheque/postal order made payable to Age UK, **or**

Card payment

 I wish to pay by (please tick):

MasterCard Visa CAF CharityCard Maestro American Express

Card number Expiry date

Signature

Gift Aid declaration

Yes, I want Age UK and its partner organisations* to treat all donations I have made for the four years prior to this year, and all donations I make from the date of this declaration until I notify you otherwise, as Gift Aid donations. I am a UK tax payer and understand that if I pay less income tax and/or capital gains tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference.

Today's date * Age Cymru, Age Scotland and Age NI

[†] We, includes the charity, its charitable and trading subsidiaries, and national charities (Age Cymru, Age Scotland and Age NI). Age UK is a charitable company limited by guarantee and registered in England (registered charity number 1128267 and registered company number 6825798). The registered address is Tavis House, 1-6 Tavistock Square, London WC1H 9NA. **Age UK provides a range of services and your gift will go wherever the need is the greatest.**

Supporting the work of Age UK

Age UK aims to enable all older people to love later life. We provide vital services, support, information and advice to thousands of older people across the UK.

In order to offer free information guides like this one, Age UK relies on the generosity of its supporters. If you would like to help us, here are a few ways you could get involved:

1 Make a donation
To make a donation to Age UK, simply complete the enclosed donation form, call us on **0800 169 8787** or visit **www.ageuk.org.uk/get-involved**

2 Donate items to our shops
By donating an unwanted item to one of our shops, you can help generate vital funds to support our work. To find your nearest Age UK shop, visit **www.ageuk.org.uk** and enter your postcode into the ‘What does Age UK do in your area?’ search function. Alternatively, call us on **0800 169 8787**

3 Leave a gift in your will
Nearly half the money we receive from supporters come from gifts left in wills. To find out more about how you could help in this way, please call the Age UK legacy team on **020 3033 1421** or email **legacies@ageuk.org.uk**

**Thank
you!**

What should I do now?

For more information on the issues covered in this guide, or to order any of our publications, please call Age UK Advice free on **0800 169 65 65** or visit www.ageuk.org.uk/moneymatters

Our publications are also available in large print and audio formats.



The Age UK Group offers a wide range of products and services specially designed for people in later life. For more information, please call **0800 169 18 19**.

If contact details for your local Age UK are not in the box below, call Age UK Advice free on **0800 169 65 65**.

