

Help with probate

What is probate?

Probate is the process of dealing with someone's money, possessions and final wishes after they die.

Who can carry out probate?

If the person who has died left a will, they may have appointed an executor or executors – these are the people who are expected to 'execute' the will (known as the legal personal representatives). They'll pay any Inheritance Tax that is due, collect the assets, pay out any debts such as the funeral bill, and share out the estate as specified in the will.

If there's no executor named, someone will need to become the administrator of the estate.

If there's no will, an administrator will need to be appointed.

The administrator largely performs the same tasks that an executor would, although they often have no will to act upon.

What is a grant of representation?

A grant of representation is the document you need to confirm your legal status and your entitlement to deal with the estate of someone who has died.

Will I need a grant of representation to make a claim?

This depends on who owns the insurance policy.

We won't need to see a grant of representation if the policy:

- is jointly owned
- is owned by another individual or company
- has been placed under trust and at least one trustee survives, or
- is assigned to a third party.

In this instance, the owner of the policy is the surviving joint owner, trustee or assignee and the payment won't form part of the estate of the person who has died.

If this doesn't apply, the payment will form part of the estate of the person who has died and we'll usually need to see a grant of representation before we can pay a claim.

However, if the estate is small and an application for probate is not needed for any other reason, it's possible we may not need a grant of representation. We'll ask you questions about the estate and let you know if this is something we can consider.

What type of grant will I need?

The kind of grant you need will depend on your circumstances:

- If you're the named executor in the will – grant of probate
- If you're the administrator of a will – letters of administration (with a will)
- If you're the administrator with no will – letters of administration
- If you're an executor/administrator for an estate in Scotland – certificate of confirmation.

How do I obtain the required grant?

Regardless of the type of grant required, you can apply for this yourself or with the assistance of solicitors who will charge you for their services.

If you need more information, these government websites have further details:

www.gov.uk/applying-for-probate
(England and Wales)

www.scotcourts.gov.uk
(Scotland)

www.nidirect.gov.uk/articles/applying-probate
(Northern Ireland)

Please contact our Claims Team if you need any help: 0345 600 6815

We're open Monday to Thursday 8.30am - 6pm and Friday, 8.30am - 5.30pm, except bank holidays. If you're calling from overseas, please call +44 (0)1737 44 1815. Please note these opening hours are UK local time.