**Applying for probate**

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**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’.

This guide and the service are also available [in Welsh (Cymraeg)](https://www.gov.uk/gwneud-cais-am-brofiant).

The process is different in [Scotland](https://www.scotcourts.gov.uk/taking-action/dealing-with-a-deceased%27s-estate-in-scotland) and [Northern Ireland](https://www.nidirect.gov.uk/articles/applying-probate).

Because of coronavirus (COVID-19), probate applications are taking longer than usual to process.

**When probate is not needed**

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.

# Who can apply

Only certain people can apply for probate to deal with the estate of someone who died. It depends on whether the person who died 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.

## If there’s a will

You can apply for probate if you’re named in the will, or in an update to the will (a ‘codicil’), as an ‘executor’.

If you do not want to apply for probate and there are no other named executors, contact your [local probate office](https://courttribunalfinder.service.gov.uk/search/postcode?aol=Probate) to find out what to do.

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

Find out [what to do if you’re an executor](https://www.gov.uk/applying-for-probate/if-youre-an-executor).

## If the person did not leave a will

It’s the ‘administrator’ who deals with the estate.

You can apply to become the estate’s administrator if you were the deceased’s:

* spouse (husband or wife) - even if you were separated
* civil partner
* child

To apply, follow the same steps as [applying for probate](https://www.gov.uk/applying-for-probate/apply-for-probate).

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

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 their estate, unless you’re able to [make changes to the inheritance](https://www.gov.uk/alter-a-will-after-a-death).

### Work out who inherits

The law decides who inherits the estate if there’s no will. [Work out who will inherit](https://www.gov.uk/inherits-someone-dies-without-will).

You’ll need this information to report the estate’s value and [find out if there’s Inheritance Tax to pay](https://www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value).

Inheritance laws may be different [if you live in an EU country](https://e-justice.europa.eu/content_succession-166-en.do?clang=en).

## Stopping a probate application

If there’s a dispute, you can challenge an application for probate (‘enter a caveat’), before it’s granted.

Find out [how to stop a probate application](https://www.gov.uk/stop-probate-application).

# If you’re an executor

An executor is someone named in a will as responsible for sorting out the estate of the person who’s died.

The person who died will normally have told you if you’re an executor. You’ll need the original will to apply for probate.

## 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](https://courttribunalfinder.service.gov.uk/courts/london-probate-department) - you’ll need the death certificate and evidence you’re the executor

Get help from a legal professional or [Citizens Advice](https://www.citizensadvice.org.uk/about-us/how-we-provide-advice/advice/search-for-your-local-citizens-advice/) if you cannot understand a will or codicil.

If you cannot find the original will, you’ll need to [fill in a lost will form](https://www.gov.uk/government/publications/form-pa13-lost-will-questionnaire).

If 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.

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 executors can be named on the application.

If only one executor is named on the application they’ll need to prove that they tried to contact all executors named in the will before they applied.

You can [contact your local probate registry](https://courttribunalfinder.service.gov.uk/search/postcode?aol=Probate) 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](https://courttribunalfinder.service.gov.uk/search/postcode?aol=Probate) 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](https://www.gov.uk/government/publications/form-pa10-apply-for-renunciation-will) 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](https://www.gov.uk/government/publications/form-pa11-apply-for-power-of-attorney-will) 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](https://www.gov.uk/government/publications/form-pa14-medical-certificate-probate) and send it with the probate application

# Apply for probate

You can apply for probate yourself or [pay a solicitor or probate specialist to do it for you](https://www.moneyadviceservice.org.uk/en/articles/when-to-use-a-probate-specialist).

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This guide and the service are also available [in Welsh (Cymraeg)](https://www.gov.uk/gwneud-cais-am-brofiant/gwneud-cais-am-brofiant).

## Before you apply

1. [Check if you need probate](https://www.gov.uk/applying-for-probate).
2. [Check if you can apply for probate](https://www.gov.uk/applying-for-probate/who-can-apply).
3. You must [estimate and report the estate’s value](https://www.gov.uk/valuing-estate-of-someone-who-died) before you apply for probate. Depending on its value, you may have to pay [Inheritance Tax](https://www.gov.uk/inheritance-tax).

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.

You cannot apply for probate until you have a notice from HM Revenue and Customs (HMRC) saying that you’ve either paid inheritance tax or have no tax to pay.

### Probate application 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.
* Extra copies of the probate cost £1.50 each. This means you can send them to different organisations at the same time.

### Get help and advice

If you’ve not yet applied and have a question about applying for probate, contact the Courts and Tribunals Service Centre:

**Courts and Tribunals Service Centre**
[Webchat](https://vcc-eu4.8x8.com/CHAT/common/html/embedded-chat.html?uuid=script_14595160855d233255b17e88.91511449&tenant=aG1jdHN4MTAx&domain=https%3A%2F%2Fwww.apply-for-probate.service.gov.uk&channel=Probate&referrer=https%3A%2F%2Fwww.apply-for-probate.service.gov.uk%2Fdeath-certificate%3F_ga%3D2.32289213.2038632214.1587374542-555888548.1580911845&popup=true&popuporigin=button&startedbychatapi=false&syncrequired=false&busHandlerURL=https%3A%2F%2Fwww.apply-for-probate.service.gov.uk%2Fpublic%2Fwebchat%2Fjavascript%2Fhmcts-webchat-busHandler.js&stylesheetURL=https%3A%2F%2Fwww.apply-for-probate.service.gov.uk%2Fpublic%2Fwebchat%2Fcss%2Fhmcts-webchat-gds-v3.css)
Monday to Thursday, 8am to 5pm
Friday, 8am to 4pm

## Apply for probate online

You can use this service if you’re the [executor or administrator](https://www.gov.uk/applying-for-probate/who-can-apply) and you:

* have the original will if you’re the executor (you do not need the will if you’re an administrator)
* have the original death certificate or an [interim death certificate from the coroner](https://www.gov.uk/after-a-death/when-a-death-is-reported-to-a-coroner)
* have already [reported the estate’s value](https://www.gov.uk/valuing-estate-of-someone-who-died)

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

The probate registry will keep the original will. If you make a copy of it for your records, do not remove any staples or bindings from the original.

[**Apply for probate**](https://www.apply-for-probate.service.gov.uk/death-certificate)

[Return to an existing probate application](http://www.apply-for-probate.service.gov.uk/).

## Apply for probate by post

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

[Fill in application form PA1P if there is a will](https://www.gov.uk/government/publications/form-pa1p-apply-for-probate-the-deceased-had-a-will).

[Fill in application form PA1A if there is not a will](https://www.gov.uk/government/publications/form-pa1a-apply-for-probate-deceased-did-not-leave-a-will).

Because of coronavirus (COVID-19), it’s taking longer to process paper applications than online applications. Use the online service to apply for probate if you can.

You need to pay before you send the form.

You can pay by either:

* calling the card payment phone number of [your district probate registry](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779777/pa4sot-eng.pdf) between 9:30am and 3pm to pay by debit or credit card - you’ll be given a reference number to send with your documents
* sending a cheque payable to HM Courts and Tribunals Service with your documents

Send the completed form to your district probate registry with these documents:

* 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](https://www.gov.uk/after-a-death/when-a-death-is-reported-to-a-coroner)

[Find your nearest district probate registry](https://courttribunalfinder.service.gov.uk/search/postcode?aol=Probate). Sub-registries do not deal with probate applications.

Use a signed-for or tracked postal service that will deliver to PO boxes 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.

# After you've applied

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

You should not make any financial plans based on the date you expect to receive it, as it may take longer.

Because of coronavirus (COVID-19), probate applications are taking between 4 and 8 weeks to process.

If there’s anything wrong with it, return it to your [district probate registry](https://courttribunalfinder.service.gov.uk/search/postcode?aol=Probate).

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

Once you have probate you can [start dealing with the estate](https://www.gov.uk/probate-estate).

# Dealing with the estate of someone who's died

You may need to apply for the right to deal with the estate of the person who’s died (also called ‘probate’).

If you already have the right or have probate (as an executor or administrator) you can start dealing with the estate.

[Check if you need to apply for probate](https://www.gov.uk/applying-for-probate).

You can hire a professional to help with some or all of the tasks of dealing with an estate. Money Advice Service has guidance on [when and how to use a solicitor or probate specialist](https://www.moneyadviceservice.org.uk/en/articles/when-to-use-a-probate-specialist).

## 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 any debts and taxes

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](https://www.gov.uk/self-assessment-tax-returns/returns-for-someone-who-has-died)
* [benefit overpayments](https://www.gov.uk/benefit-overpayments/when-repayments-have-to-be-made)

[Place a notice in The Gazette](https://www.thegazette.co.uk/wills-and-probate/place-a-deceased-estates-notice) 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.

You may also need to pay [Inheritance Tax](https://www.gov.uk/inheritance-tax).

## 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](https://www.gov.uk/search-property-information-land-registry) or get legal advice if you’re unsure how a property’s owned - you may need to [update the property records](https://www.gov.uk/update-property-records-someone-dies).

## 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](https://www.gov.uk/inherits-someone-dies-without-will)

Beneficiaries may have to pay [Income Tax](https://www.gov.uk/income-tax) if the assets they inherit generate income for them.

After this you can [prepare the estate accounts](https://www.gov.uk/valuing-estate-of-someone-who-died/records). These must be approved and signed by you and the main beneficiaries.