

CLIENT GUIDE

What to do when someone dies?



E J Winter & Son LLP

Solicitors founded in 1927

One Forbury Square, The
Forbury, Reading, RG1 3BB

0118 957 4424
sols@ejwinter.co.uk

Ocean House, 12th Floor, The
Ring, Bracknell, RG12 1AX

WHAT TO DO WHEN SOMEONE DIES

WHAT THIS NOTE IS ABOUT

Within a few days after a death, someone needs to:

- Make sure that the home and possessions of the person who has died are secure.
- Register the death.
- Start arranging the funeral.

You will find guidance on these matters in this note. It also has answers to questions that people often ask after a death, such as:

- Where can we get money to pay for the funeral?
- Can I still use the joint account I had with the person who has died?
- How can we pay bills without access to the person's bank account?
- What happens if the death is reported to the coroner?
- Who should we tell about the death?
- What happens if there is no will?
- Do we need a solicitor?
- What should we look for when going through the papers of the person who has died?

If a word is in **bold** when it is first used in this note, then its meaning is given at the end.

WHO DOES WHAT?

The family and friends of the person who has died can usually deal with most of the practical things that need doing immediately after a death. Solicitors normally get involved a little later, when the **personal representatives** ask for their advice about the **estate**. If there is no family member or friend to deal with the practical matters, then solicitors can help with some or all of these too – but they will charge for this.

WHAT ARE THE PRIORITIES?

The things that have to be done immediately after a death can be done in the order in which they appear in this note but this is just a suggested order. It is not inflexible and in particular cases it may not be possible to follow it rigidly.

SECURITY AND INSURANCE FOR THE PROPERTY OF THE PERSON WHO HAS DIED

You can skip this part of the note and go straight to the section below on registering the death if the person who has died lived in a residential or nursing home and no longer had a private home.

Are the home and possessions safe?

You need to read this section only if the person who has died lived alone in a private home. Otherwise, go straight to the section below on insurance.

If the person who has died lived alone, someone should go to his or her home on the day of the death. Take the security precautions that you would take when leaving your own home empty for a while, such as locking all doors and windows, stopping deliveries of papers and milk and moving valuable items so that passers-by cannot easily see them.

Everything that is in the home of the person who has died should remain there. This makes it easy to arrange for all the person's property to be valued. (It has to be valued for inheritance tax purposes.) If there are very valuable items and you believe they are not adequately insured, consider moving them to a more secure place but consult the **executors** or close relatives of the person who has died or the person's solicitors before you do this.

If you know that the person who has died had a gun licence and kept firearms at the property,

report the death to the police so that they can make arrangements for the guns to be kept safely. The British Association for Shooting and Conservation has guidance on dealing with firearms when someone dies (see *British Association for Shooting and Conservation: Bereavement and unlicensed firearms*).

If the person had a pet, make temporary arrangements for it to be looked after by family or friends or through an animal rescue charity.

Insurance

On your first visit to the home of the person who has died, look for papers relating to the insurance of the property and its contents, even if you do not have time to look for other important papers at this stage. Then ring the insurers, tell them about the death and make sure that there is adequate home and contents cover in place. Keep a note of your conversation with the insurers and put it with the papers relating to the insurance. Hand all these papers over to the executors or their solicitors as soon as possible.

REGISTERING THE DEATH

When someone dies, a doctor issues a medical certificate which states the cause of death. The death then needs to be recorded formally on the register for births, deaths and marriages. See the section below on deaths reported to the coroner and inquests for what happens if the doctor is uncertain about the cause of death.

When to register the death

A death must be registered within five days after the date of the death.

Who can register the death?

If the death was in hospital or in a private home (including a nursing or residential home), the following people can register the death:

- A relative.
- Someone who was present at the death but who is not a relative.
- Someone representing the "occupier" of the building where the death occurred (for example, the warden of a block of sheltered flats, the manager of a residential home).
- An official from the hospital.
- Anyone who has taken responsibility for arranging the funeral.

If the death was not in a public building or a private home, the following people can register it:

- A relative.
- Anyone present at the death.
- Anyone who has taken responsibility for arranging the funeral.

A relative should, if possible, register the death but the registrar allows non-relatives if no relative is available.

Where is the register office?

The death must be registered at the register office for births, deaths, marriages and civil partnerships for the district where the person died. If you do not know where this is, contact the local authority or visit its website or the GOV.UK website listed in the Further help section at the end of this note.

Ring the register office first to find out if it has an appointment system.

What to take to the register office

Whoever registers the death should take to the register office:

- The medical certificate from the doctor.
- The following information:
 - date of death;
 - place of death;
 - full name of the person who has died;
 - any former names;
 - occupation;
 - last address;
- name, date of birth and occupation of the person's spouse (including a same-sex spouse for marriages on or after 13 March 2014) or civil partner (whether living or dead); and
- information about any state benefits the person was receiving.

Where to find the information you need

If you do not know all the details about the person who has died that you need for the registrar, you should be able to find them in his or her birth certificate, marriage or civil partnership certificate and state pension or allowance book.

Death certificates

The registrar issues an official copy of the register, called a certified copy death certificate, after the person registering the death signs the register.

You can obtain any number of certified copy death certificates. You have to pay for them; the price varies from one local authority to another. You can claim back the cost from the estate in due course. You need several copy certificates to send out when giving notice of

the death to banks, insurance companies and so on. You can estimate how many to buy if you know roughly what the person who has died owned. For example, if the person had three bank accounts with three different banks and two share holdings with different companies, it is best to have five copy certificates, one for each separate institution. You will also need a copy for the person's pension provider and it is sensible to get one or two spare copies while you are at the register office, since it is less convenient to order additional copies later.

Certificate for burial or cremation

The registrar also issues a certificate for burial or cremation. Give this to the funeral director who is making the funeral arrangements.

Form relating to social security benefits

The registrar will give you a form (form BD8) to complete. This is used to tell the **DWP Bereavement Service** of the death so that it can deal with the pensions and benefits arrangements of the person who has died. You can complete this form yourself or ask either the personal representatives or their solicitors to complete it and send it to the DWP. Alternatively, you can call the DWP Bereavement Service (the numbers are given in the government's leaflet "What to do after a death in England or Wales" or on the government website, GOV.UK: What to do after someone dies (see the web addresses in the section Further help at the end of this note).

If your local council offers the DWP's "Tell us once" service, you can use that to deal with the deceased's pension and benefits (see the section "Tell us once" service below).

"Tell us once" service

A number of local councils offer the DWP's "Tell us once" service which is a way of letting a number of government departments know that someone has died by just making one contact. If this is available in your area, the registrar will either use the service for you or give you a unique service reference number so that you can use the service over the telephone or online. The service can be used to contact the government departments that deal with the deceased person's benefits, state pension, tax, passport and driving licence. The web address for this service is in the section Further help at the end of this note.

What if the death is reported to the coroner?

If the death is reported to the coroner and the coroner is satisfied that the death is natural, then the coroner notifies the registrar and the death is registered in the usual way. However, if the coroner decides that an inquest is necessary, the registrar cannot issue a death certificate or a certificate for cremation (see the section below on deaths reported to the coroner and inquests).

DEATHS REPORTED TO THE CORONER AND INQUESTS

Unexpected deaths are reported to the coroner, sometimes by the police but usually by the doctor who was called when the person died. A death is regarded as unexpected in any of the following circumstances:

- The person who has died was not seen by a doctor in the 14 days before death or during his final illness.
- The doctor does not know the cause of death and so cannot issue a medical certificate.

- The person died within 24 hours of being admitted to hospital or during an operation.
- The medical certificate suggests that the cause of death was due to industrial disease or industrial poisoning.

When a death is reported to the coroner, the coroner usually arranges for a post mortem. This normally establishes the cause of death. If the death is from natural causes, it can be registered and the funeral can go ahead. There is an inquest only if the cause of death is in doubt, even after the post mortem, or the post mortem shows that death was not from natural causes. Even if there is to be an inquest, the coroner usually allows the funeral to be held after the post mortem: see the section below headed "What if the death is reported to the coroner?".

IS THERE A WILL?

It is not essential to find the will before the funeral. However, it is best to find it (or at least a copy) as soon as possible after the death because:

- The person who has died may have said in the will what kind of funeral he or she wanted (see the section below headed "What kind of funeral did the person who has died want?").
- The administration of the estate goes more smoothly if the executors are involved from the outset (see the section below on telling the executors about the death).

People who get solicitors to make their wills for them often keep a copy of the will with their important papers. The original is usually kept by the solicitors' firm: the address and phone number of the firm is often on the cover of the copy will.

If you cannot find a will (or a copy) in the home of the person who has died, ask the person's bank and his or her solicitors if they know where it is. You can also:

- Conduct a Certainty Will Search which is used by a number of law firms to register wills and access Certainty's will-finding services.
- Check whether the person who has died left his will with the Principal Registry of the Family Division, You can make the search for the will either by contacting it or a district registry in another area close to you or searching for a will online (the web address is listed in the section headed Further help at the end of this note). The general term used for either the Principal Registry or a district registry is the **Probate Registry**.
- Place advertisements in the Law Society's Gazette asking for information about a will that the person who died might have made.

Otherwise, you can contact any solicitor whose practice includes wills and probate. The solicitor can help with the searches for the will and can also explain what happens to the property of an individual who dies without leaving a will. When this happens, **administrators** are appointed: they are usually close relatives of the person who has died and they have authority to deal with the estate in much the same way as executors.

DO YOU HAVE A RIGHT TO SEE THE WILL?

Only the executors appointed in a will are entitled to see the will before probate is granted. If you are not an executor, the solicitors of the person who has died or the person's bank, if it has the will, cannot allow you to see it or send you a copy of it, unless the executors agree. However, they can tell you who the executors are. They can also let you know what

the will, or a note kept with it, says about the kind of funeral the person wanted.

WHAT KIND OF FUNERAL DID THE PERSON WHO HAS DIED WANT?

Many people leave notes saying what kind of funeral they would like, or they express their wishes in their wills. You are not legally obliged to follow the wishes of a person who has died but usually relatives and friends prefer to do so. It can be distressing to discover after the funeral that it was not arranged as the person wished, so look as soon as possible for a note and for the will.

MEDICAL RESEARCH AND ORGAN DONATION

If you know that the person who has died wanted to leave his or her body for medical research, look for the relevant consent form. The form may be stored with the person's important papers or with the will. The form will have details of the relevant research institution: contact it and follow the procedure it recommends.

The person who has died may have donated his organs for transplant. Donated organs have to be removed within 48 hours of the death and would-be donors normally make their request by signing the NHS Organ Donor Register. Speak to the doctor who is looking after the person at the time of death about this.

TELLING THE EXECUTORS ABOUT THE DEATH

If the person who has died left a will which does not appoint you as an executor but you know the people who are appointed executors, make sure they know about the death. You and the executors can then decide who is to register the death, if this has not already been done, and who is to arrange the funeral.

If you have registered the death and obtained copy death certificates but you are not an executor, hand the copy certificates over to the executors or to their solicitors.

If you are not going to deal with the DWP, hand over the form relating to social security benefits too (see the section above headed "Form relating to social security benefits").

If the executors are arranging the funeral, give them the certificate for burial or cremation (see the section above headed "Certificate for burial or cremation").

If, because you cannot find a will, you do not know who the personal representatives are, you can still arrange and hold the funeral.

ARRANGING THE FUNERAL AND PAYING THE FUNERAL EXPENSES

When you have confirmed that the body is to be buried or cremated rather than given for medical research, give the certificate for burial or cremation to the funeral director. The funeral director will discuss the arrangements with you and guide you through the process leading up to the funeral and the burial or cremation.

Paying for the funeral

By taking on the responsibility for arranging the funeral, you are also taking on the responsibility of paying for it. You will eventually be able to reimburse yourself from the estate of the person who has died, if there is enough money in the estate to cover the funeral expenses.

You, or other family members, may be willing to pay the funeral expenses, on the basis that you will claim repayment from the estate later. However, there are other ways of paying for the funeral:

- Look through the papers of the person who has died for anything relating to a pre-paid funeral plan. If you find that the

person subscribed to a plan, contact the provider and follow the procedure it recommends.

- A bank where the person who has died had an account may be prepared to release money from the account. The bank "freezes" an account when it learns about the account-holder's death, making no further payments out. However it may make an exception for funeral expenses. Contact the bank to ask whether it will release money to pay for the funeral.
- Look through the papers of the person who has died for anything relating to life insurance or pensions and contact the providers. If the person had a job at the time of the death, contact the employer's HR department. Lump sum payments can often be made from life insurance policies and pension schemes very soon after a death. However, you should, if possible, consult the solicitors advising the personal representatives before using lump sums of this type to pay funeral expenses: there may be a more tax-efficient way to use the money.
- If you are arranging a funeral for a partner or close relative and you are on a low income, you may qualify for help in paying for it. You may have to repay some or all of it from the estate of the person who has died. For more information, see the government websites listed in the section Further help at the end of this note.

TELLING PEOPLE ABOUT THE DEATH

Executors

See the section above on telling the executors about the death.

Solicitors

You may need to contact the solicitors of the person who has died soon after the death to ask if they have the will and to find out who the executors are (see the section above headed "Is there a will?"):

- **If there is a will.**

The executors appointed in a will do not necessarily need a solicitor to help them deal with the estate. They can ask the solicitors holding the will to send it to them and can deal with the estate themselves, following guidance that is readily available on the internet and in books. If the property passing under the will is uncomplicated and the will itself is straightforward and was prepared by a solicitor, then executors may find it quite easy to go ahead without legal advice. However, you need a businesslike approach and quite a lot of time to deal with even a simple estate.

If the executors decide to take legal advice, they can either go to the solicitors who prepared the will or to a different firm. If they have not contacted the solicitor before the funeral, they should do so soon afterwards, and arrange a meeting. For guidance about the papers and information they should take to the meeting, see the list below of documents to look for before meeting solicitors.

- **If there is no will.**

If the person who has died seems not to have left a will, then one or more of the person's closest relatives (wife, husband or civil partner, father or mother, brother or sister, son or daughter) should contact a solicitor for advice. The solicitor can help with further searches for the will (see the section above headed Is there a will?) and explain what to do if the person is **intestate**.

Bank or building society

Tell the bank or building society where the person who has died had a current account about the death.

Private landlord or local authority

If the person who has died was a tenant living in rented accommodation, tell the landlord or local authority about the death. If the accommodation was shared and the remaining occupant was not a co-tenant but wants to stay in the property, the landlord may be willing to make a new rental agreement with the remaining occupant. He or she may find it helpful to get guidance from a solicitor or the **CAB** before approaching the landlord.

Employer

If the person who has died was in employment at the time of the death, tell the employer's HR department about the death. It is best to do this soon after the death to speed up the process of paying out any salary due to the estate and lump sums from a pension scheme.

DVLA

Contact the Driver and Vehicle Licensing Authority (DVLA) to cancel the driving licence of the person who has died and to request that the registration details of his or her car are amended. The contact details for the DVLA are on the GOV.UK website and the leaflet listed in the section Further help at the end of the note, or you can phone the DVLA for further information about this. Alternatively, use the DWP's "Tell us once" service if it is available in your area (see the section "Tell us once" service earlier on in this note).

If anyone is going to drive a car that belonged to the person who has died, check that they are adequately insured.

Passport Office

Look for the passport of the person who has died and return it to the UK Identity and Passport Office so that it can be cancelled. Alternatively, use the DWP's "Tell us once" service if it is available in your area (see the section "Tell us once" service earlier on in this note).

Utility companies and other service providers

You can skip this section if the person who has died lived in a residential or nursing home and no longer had a private home.

The providers of services to the home must be told about the death. For example:

- Utility companies supplying gas, electricity and water.
- Broadband, phone and satellite TV providers.
- The Television Licensing Authority.
- The local Council Tax authority.
- Suppliers of other regular services, such as gardening and cleaning.

If the suppliers addressed their bills to the person who has died, tell them about the death and, where appropriate, arrange for them to take meter readings as close to the death as possible. If someone else is going to go on living in the property, contact the supplier to arrange for the account to be transferred into that person's name, if they want to go on receiving the service – or arrange to switch to another supplier. Remember that direct debits from a bank or building society account of a person who has died, including direct debits to utility suppliers, are cancelled when the bank or building society hears about the death.

Royal Mail

If the person who has died was living alone in a private home, contact the Royal Mail to arrange for post to be redirected. Redirecting to one of the personal representatives is best, since the post is likely to include information about the person's assets and debts.

BANK ACCOUNTS AND BILLS

Joint accounts

If you had a joint bank or building society account with the person who has died, then from the time of the death you automatically own the money in the account. The account is not "frozen" after the death and you do not need a **grant of probate** or any authority from the personal representatives to access it. You should, however, tell the bank about the death of the other account holder.

Paying bills

Bank accounts and other assets in the sole name of the person who has died are usually "frozen" from the death until the personal representatives obtain a grant of probate or letters of administration. If the person who has died paid household bills, then the other members of the household may be worried about how to manage between the death and the grant. There are various ways of dealing with this problem, for example:

- If a member of the household had a joint account with the person who has died, that account can be used to pay bills. See the section above on Joint accounts.
- It may be possible to borrow from a family member or from the bank.
- If the person who has died had life insurance or was a member of a pension scheme, a lump sum may be payable soon after the death.

It is a good idea to contact a solicitor or the CAB for advice on the different options.

THE NEXT STEP: GATHERING INFORMATION

If you are an executor appointed in the will of the person who has died, or the person is intestate and you are entitled to be appointed an administrator, then in the months following the death you will be involved in the **administration of the estate**.

Whether or not the personal representatives of the person who has died choose to have solicitors helping them with the process, their first task is to assemble as much information as possible relating to the person's assets and debts. The personal representatives may ask for your help in assembling the information, even if you are not a personal representative yourself.

A list of papers and information that the executors or administrators are likely to need is in list below of documents to look for before meeting solicitors. Bear in mind that if the person who has died had a computer, he or she may have kept records in electronic form and received bank statements and bills through the internet. If you can find the relevant files on the person's computer, print them. If you cannot find them (for example, because you do not know the password of the person who has died), simply explain the situation to the personal representatives or their solicitors.

CHECKLISTS

This section contains checklists of the information and documents you will need at various stages after a person's death.

Information to keep at hand

It is useful to note down the following information and keep it to hand, whether you

are an executor or helping with the practical arrangements following the death:

- Full name of the person who has died and any former names.
- Address at death.
- Date of birth.
- Place of birth.
- Date of marriage or civil partnership.
- National Insurance number.
- NHS number.
- Tax reference.

Documents to look for immediately after the death

If the person who has died was living alone in a private home, someone should go to the home on the day of the death to look for papers relating to insurance of the person's home and its contents, preferably the home and contents policy itself. (See the section above on insurance.)

If you believe that the person who has died wanted to donate organs for transplant or to donate his or her body for medical research, also look for:

- An organ donor card.
- A consent form.

(See the section above on medical research and organ donation.)

Documents to look for before registering the death

The following papers contain information needed for registering the death:

- Birth certificate.
- Marriage or civil partnership certificate.
- Death certificate of former wife, husband or civil partner.

- State pension or allowance book.
- Passport.

Even if you cannot find these papers, you can register the death if you have all the necessary information. (See the section above on registering the death.)

Documents to look for before the funeral

It is desirable to find the following documents before the funeral but the funeral can go ahead even if you do not find them:

- The most recent will of the person who has died, or a copy of it.
- Any note saying what kind of funeral the person wanted.
- Papers relating to life insurance or pension arrangements.

(See the sections above headed "Is there a will?" and "What kind of funeral did the person who has died want?" and the section on paying for the funeral.)

Documents to look for as soon as possible

As soon as possible after the death, but not necessarily before the funeral, find up-to-date papers and information relating to as many of the following as are relevant:

- Current bank or building society account.
- Employer.
- Rental agreement.
- Driving licence and vehicle registration.
- Suppliers of gas, electricity and water.
- Broadband, phone and satellite TV providers.
- Television licence.
- Council Tax.

- Other service providers, such as cleaners and gardeners.

This information will enable you, or the personal representatives, to deal with the matters set out in the section on telling people about the death.

Documents to look for before meeting solicitors

The personal representatives will need papers containing up-to-date information about the following to enable them, or their solicitors, to start on the administration of the estate:

- Bank and building society accounts of the person who has died.
- Insurance policies
- Property deeds.
- Share certificates, dividend vouchers and other papers relating to shareholdings.
- Statements relating to savings and investments.
- Valuations, for example of jewellery, paintings or furniture.
- Credit card statements.
- Personal loan agreements.
- Hire purchase agreements.
- Mortgages.
- Recent tax returns.
- PAYE P60 and recent payslips.
- Unpaid invoices addressed to the person who has died.
- Unpaid invoices issued by the person who has died.

If the personal representatives arrange to meet the solicitors, it will be helpful if they take these papers to the meeting.

WORDS USED IN THIS NOTE

Administrator: The personal representative of an intestate.

Administration of the estate: This is the task carried out by the executors or administrators of a person who has died. It involves assembling all the person's assets, paying the person's debts and any tax due, and handing over whatever remains to the people who are entitled to it under the will or the statutory rules that apply when an intestate dies.

CAB: The Citizens' Advice Bureau.

DWP: The Department of Work and Pensions.

Estate: Everything that belonged to a person who has died and all the person's debts.

Executor: A personal representative appointed in a will.

Grant of probate: A document issued by the Probate Registry to the executors of a person who has died confirming that they have authority to deal with the person's estate.

Intestate: A person who dies without making a will.

Personal representatives: The people who have the legal authority to deal with the estate of a person who has died. They are often, but not always, members of the person's family. If there is a will, the personal representatives are named in the will and called the executors. If there is no will, a solicitor whose practice includes wills and probate can tell you who the personal representatives are.

Probate Registry: The government office that deals with probate matters.

FURTHER HELP

For further information, see:

- <https://www.gov.uk/after-a-death/overview>, the official government website containing guidance on what to do when someone dies and a link to the

DWP's "Tell us once" service which offers a means of notifying government department and local councils that someone has died.

- <https://www.gov.uk/search-will-probate>, to find a will or "grant of representation" for people who died in or after 1858, recorded in England and Wales.
- <http://www.lawsociety.org.uk/for-the-public/common-legal-issues/probate/>, the Law Society's summary guidance of the rules that apply when someone dies.
- <https://www.organdonation.nhs.uk/uk-laws/organ-donation-law-in-england/> which explains the law on organ donation in England.
- <https://www.organdonation.nhs.uk/uk-laws/organ-donation-law-in-wales/> which explains the law on organ donation in Wales.

Further advice

For further advice, please don't hesitate to contact a member of our private client team:

One Forbury Square, The Forbury, Reading, RG1 3BB; and

Ocean House, 12th Floor, The Ring, Bracknell, Berkshire, RG12 1AX

sols@ejwinter.co.uk

0118 957 4424



E. J. WINTER & SON LLP
S O L I C I T O R S

FOUNDED IN 1927