

Application for Grant of Letters of Administration – Lastingpost.com

Introduction

When a person dies intestate (this means they die without a Will) an Application for Grant of Letters of Administration must usually be made to the Probate Registry.

Who makes the Application?

The Application to the Probate Registry must be made by the deceased person's closest living relative. This is the person who will be appointed as 'Administrator' and given the legal right to deal with the deceased person's estate. The appointment is made by the 'Grant of Letters of Administration' which is a legal document issued by the Probate Registry.

The job of the Administrator entails collecting together the deceased person's assets and paying off their debts, then settling any Inheritance Tax liability before distributing the net balance of the estate to the appropriate people in accordance with the rules of intestacy.

The rules of intestacy set out in a specified order of priority who is the closest living relative.

Specified order of priority

1. The lawful husband or wife or civil partner of the deceased person. A common-law partner (this means an unmarried or unregistered partner) does not have an entitlement to a Grant.
2. Their sons or daughters aged eighteen or older (or their descendents if they have predeceased). Step-children are excluded.
3. Their Parents.
4. Their brothers or sisters (or their descendents if they have predeceased) with the same mother and father.
5. Their half-brothers or half-sisters (or their descendents if they have predeceased) who had either the same mother or the same father
6. Their grandparents.
7. Their uncles or aunts 'of the whole blood' (or their descendents if they have predeceased). This means brothers and sisters of the deceased's parents provided that they in turn had the same mother or father themselves.

8. Their uncles and aunts 'of the half blood' (or their descendents if they have predeceased). This means brothers and sisters of the deceased's parents who had only the same mother or father.

9. The Crown. If the deceased person has no relatives then the state will make the Application.

If several people have an equal right

Clearly, there may be more than one person who has an equal right to make the Application.

These people will usually make one Application together. A maximum of four applicants is allowed. They will receive the Grant of Letters of Administration and will then administer the estate together.

If more than one Application is made by people of equal right then the Grant will usually be given to the first of these people to make the application.

If a dispute arises as to who should receive the Grant then the relatives involved must apply to the Probate Court. The Court will decide who will be given the responsibility. As the process involved is complicated, lengthy and likely to be expensive it is much better for a family to reach agreement amongst themselves.

An Application is not always required

Please note that an Application to the Probate Registry is not always required. If the deceased person leaves less than £5,000 in total or owned everything jointly with someone else, or if the financial institutions involved (such as the deceased's bank) agree to pay the funds under their control to the Administrator(s) then the estate can be sorted without a Grant.

If the deceased person leaves more than £5,000 in cash, stocks and shares, property or certain insurance policies then an Application must be made as a Grant will be necessary.

Please Note

You should note that a Grant cannot be issued to any person under the age of 18. Furthermore, when more than one person is entitled to make the application, they may do so together. However, a maximum of four applicants is allowed.

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Last updated: 14th July, 2009

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