FREE RESOURCE | ENGLAND AND WALES

Who inherits if there is no will?

If someone dies without a valid will, the intestacy rules decide who inherits. Start at the top and follow the answers that fit your family.

Were they married or in a civil partnership when they died?

Unmarried partners inherit nothing under the intestacy rules

Yes, married or in a civil partnership

Did they leave any children?

- **No** → The spouse or civil partner inherits the **whole estate**.
- **Yes** → **Is the estate worth more than £322,000?**
  - **No** → The spouse or civil partner inherits the **whole estate**.
  - **Yes** → **The estate is shared**

Spouse or civil partner: all personal possessions, the first £322,000, and half of what is left.

Children: share the other half equally. A child's share is held in trust until they turn 18.

No, not married

- **Did they leave any children?**
  - **Yes** → The children share everything equally.
  - **No** → **Are either of their parents alive?**
    - **Yes** → The parents inherit everything, shared equally if both are alive.
    - **No** → **Do they have any full brothers or sisters?**
      - **Yes** → Brothers and sisters share everything equally.
      - **No** → **Do they have any half brothers or sisters?**
        - **Yes** → Half brothers and sisters share everything equally.
        - **No** → **Are any of their grandparents alive?**
          - **Yes** → Grandparents share everything equally.
          - **No** → **Do they have any full aunts or uncles?**
            - **Yes** → Aunts and uncles share everything equally.
            - **No** → **Do they have any half aunts or uncles?**
              - **Yes** → Half aunts and uncles share everything equally.
              - **No** → **The estate passes to the Crown.** This is known as *bona vacantia*.

Not sure who can deal with the estate?

A free, no-obligation call. We'll explain who can apply for letters of administration and what happens next.

0800 612 4512

Monday to Friday, 8.30am to 5.30pm

Speak to an advisor

GOOD TO KNOW

Reading the flowchart

England and Wales only

Scotland and Northern Ireland have their own rules. If the person lived there, or owned property there, please check the rules for that country or give us a call.

'Married' includes civil partners

A spouse or civil partner must outlive the person who died by 28 days to inherit. Separated but not divorced still counts as married.

If a relative has already died

If a child, brother or sister, half brother or sister, aunt or uncle, or half aunt or uncle has already died, their own children inherit their share.

Anyone under 18

Their share is held in trust until they turn 18.

Partners and stepchildren

Unmarried partners, and stepchildren who were not adopted, do not inherit. An unmarried partner may be able to make a claim against the estate, so get advice quickly.

The £322,000 figure

This is called the statutory legacy. It has applied to deaths on or after 26 July 2023.

A worked example

Sarah dies without a will. She is married to David and they have two adult children. Her estate is worth £422,000, plus her personal belongings.

Who	What they receive
David (husband)	All personal possessions, the first £322,000, and half of the remaining £100,000 (£50,000). Total £372,000 plus possessions.
Each child	A quarter of the remaining £100,000 (£25,000 each).

If Sarah's estate had been worth £322,000 or less, David would have inherited everything.

Reviewed November 2026 by Nick Ash, Managing Director of W&P Legal and author of The Probate Book. This is general information about the law in England and Wales, not legal advice about your situation.

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