The Probate Service

Guidance and support from W&P Legal

FREE GUIDE | ENGLAND AND WALES

Letters of administration

What to do when someone dies without a will, explained step by step.

Inside this guide

- What letters of administration are, and when you need them
- Who can apply, and in what order
- The eight steps from registering the death to sharing the estate
- Costs, timescales and the mistakes to avoid

TALK TO A REAL PERSON

0800 612 4512

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BEFORE YOU START

We're sorry for your loss

If the person who died didn't leave a valid will, you may have been told you need 'letters of administration'. This guide explains what that means and what to do, one step at a time. Read it at your own pace. You don't need to do everything at once.

At a glance

Question	Short answer
What are they?	A court document that gives someone the legal authority to deal with the estate of a person who died without a valid will.
Who applies?	The closest living relative, usually the husband, wife or civil partner, then any children aged 18 or over.
What does it cost to apply?	£526 if the estate is worth more than £5,000. There is no fee if it is £5,000 or less.
How long does it take?	Dealing with a whole estate usually takes nine to twelve months. The grant itself is one part of that.
Where do I apply?	Online through GOV.UK, or by post using form PA1A.
Do I need a solicitor?	No. Many people apply themselves. Others ask for help with part or all of it.

These rules apply in England and Wales

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

In this guide

1 What are letters of administration?
2 Who can apply
3 Eight steps, from start to finish
4 Costs and timescales
5 Your responsibilities, and mistakes to avoid
6 Who inherits when there is no will
7 How we can help

SECTION 1

What are letters of administration?

When someone dies, a person needs legal authority to collect in their money and property, pay their debts and pass on what's left. That authority comes from a document issued by the Probate Registry, called a grant of representation. People often call every type of grant 'probate', and GOV.UK uses that word too, but there are three main types.

Type of grant	When it's used	Who applies
Grant of probate	There is a valid will that names an executor.	The executor or executors.
Letters of administration	There is no valid will.	An administrator, usually the closest living relative.
Letters of administration with will annexed	There is a will, but no executor can or will act.	Usually someone who inherits under the will.

This guide is about the second type. The person who applies is called the administrator. Once the grant is issued, banks, building societies, the Land Registry and others will deal with them.

Do you actually need them?

You will usually need letters of administration if the person who died owned any of these in their sole name:

- a house, flat or land, or a share of one owned as 'tenants in common'
- bank or building society accounts above the amount that organisation will release without a grant
- shares, investments or premium bonds of any significant value

You may not need them if everything was held jointly or passes outside the estate, for example:

- a home owned as 'joint tenants', which passes automatically to the surviving owner
- joint bank accounts, which usually pass straight to the other account holder
- small balances that a bank will release on sight of the death certificate
- pensions and life insurance paid directly to a nominated person or held in trust

> **Check with each organisation first**
>
> Every bank sets its own limit for releasing money without a grant. Ask each one what it needs before you apply, as this can save you time and the court fee. Our free bank release limits tool on our website lists the limits and bereavement team contacts for the main banks.

SECTION 2

Who can apply

The law sets out who has the right to apply, in a strict order. The person highest on the list who is alive, aged 18 or over and willing to act normally applies. You only move down the list if there's nobody in the group above.

1. The husband, wife or civil partner, including if they were separated but not divorced
2. Children, including legally adopted children but not stepchildren. If a child has died, their own children can apply in their place
3. Parents
4. Full brothers and sisters, or their children if they have died
5. Half brothers and sisters, or their children if they have died
6. Grandparents
7. Full aunts and uncles, or their children (cousins) if they have died
8. Half aunts and uncles, or their children if they have died

Some important rules

- You must be 18 or over to be an administrator.
- Up to four people can apply together. One acts as the main applicant.
- If a child under 18 inherits, the Probate Registry will normally require two administrators.
- Unmarried partners cannot apply as administrator and do not inherit under the intestacy rules, however long the couple were together.
- If you're entitled but don't want to do it, you can appoint someone to act for you using form PA12. A husband, wife or civil partner can give up their right using form PA16. In other situations, speak to a professional first.

If family members disagree about who should apply

Anyone can stop a grant being issued for a while by entering a 'caveat' at the Probate Registry. Disagreements about who applies, or whether a will exists, are more common than people think. Please get advice early, before things escalate. We can help, and refer you to our SRA-regulated partner Bright Legal where needed.

SECTION 3

Eight steps, from start to finish

Every estate is different, but most follow this order. Many people handle the early steps themselves and ask for help at the valuation or tax stage. You can do the same.

1 Register the death and keep things safe

Register the death within five days, unless a coroner is involved. Use the government's Tell Us Once service to inform HMRC, the DWP, the DVLA and others in one go.

Lock up and secure the home, tell the home insurer it is empty, and arrange for post to be redirected. Don't give away or sell any belongings yet.

2 Make sure there really is no will

Search the person's papers, and ask their bank, any solicitor or will writer they used, and close family. You can also pay for a search of the National Will Register.

If a will turns up later, even part way through, the process changes. Stop and take advice.

3 Value the estate

List everything the person owned and owed on the date they died: property, accounts, investments, pensions, vehicles, belongings, and debts such as credit cards, loans and bills.

Write to each organisation for a date of death valuation. For property, get a valuation from local estate agents or a RICS surveyor. Keep copies of everything.

4 Work out if inheritance tax is due

Most estates are 'excepted estates'. That means no inheritance tax is due and you don't need to send HMRC a full tax return. You simply give the estate's values in your application.

If tax may be due, you send form IHT400 to HMRC and start paying any tax. HMRC will then send you a code, which you need before you can apply. Tax is due by the end of the sixth month after the death, and interest is charged after that.

Generally, the first £325,000 of an estate is tax free, plus up to £175,000 more if a home passes to children or grandchildren. Anything passing to a husband, wife or civil partner is usually tax free.

5 Apply for the grant

Most people apply online through GOV.UK, which is usually quicker. You can also apply by post using form PA1A. You'll need the death certificate, the estate values, any HMRC code and details of the family.

Pay the fee, and order extra copies of the grant at the same time. They cost £2 each if you order them with the application, or £16 each later. Most estates need several.

6 Wait for the grant

The grant is sent to the main applicant. It names the administrators and becomes a public record, so anyone can order a copy.

Send a copy to each bank, pension provider and other organisation holding money or property.

7 Collect the money and pay the debts

Close accounts and gather the money into one place, ideally an estate bank account. Sell or transfer any property. Settle the person's income tax up to the date of death.

Place a deceased estates notice in The Gazette and a local newspaper, and wait two months. This protects you if an unknown creditor appears later. Then pay the funeral, expenses and debts.

If it looks as though the debts are more than the estate is worth, stop paying anyone and get advice. There are strict rules about who gets paid first.

8 Share out the estate

Work out exactly who inherits under the intestacy rules (see section 6). Trace any relatives you've lost touch with. Shares for anyone under 18 are held in trust until they turn 18.

Prepare simple estate accounts showing what came in and what went out. Get each beneficiary to sign a receipt for what they receive.

SECTION 4

Costs and timescales

Court fees

Item	Cost
Application fee, estate worth more than £5,000	£526
Application fee, estate worth £5,000 or less	No fee
Extra copies of the grant, ordered with the application	£2 each
Extra copies of the grant, ordered later	£16 each

If you're on a low income or certain benefits, you may be able to get help with the application fee. Apply online through GOV.UK's 'Help with fees' service or using form EX160. Help with fees does not cover extra copies.

Other costs to budget for

- property valuations, if an agent or surveyor charges
- the deceased estates notice in The Gazette and a local newspaper
- a genealogist, if relatives need to be traced
- professional fees, if you choose to get help

How long it usually takes

Stage	Typical time
Gathering information and getting valuations	1 to 3 months
Dealing with HMRC, if a full tax return is needed	Several weeks to a few months
Waiting for the grant	Often a few weeks for a complete online application. Paper applications, and applications with questions or missing documents, take longer.
Collecting money, paying debts and sharing the estate	3 to 6 months after the grant
The whole estate, start to finish	Usually 9 to 12 months

Property sales, missing relatives, disagreements and overseas assets can all add time.

SECTION 5

Your responsibilities, and mistakes to avoid

Being an administrator is a legal role. You must act in the interests of everyone entitled to the estate, not just yourself. If something goes wrong because of a mistake, you can be personally liable to repay it from your own money. Most problems are easy to avoid if you know about them.

Paying out too early

Don't share out the estate until all debts and taxes are known and paid. If an unmarried partner or dependant might make a claim against the estate, these usually have to be made within six months of the grant, so many administrators wait until then.

Missing a creditor

Always place the deceased estates notice and wait the two months before paying beneficiaries.

Missing a relative

If a relative can't be found, don't guess. Use a genealogist, and ask about missing beneficiary insurance, which protects you if they turn up later.

Mixing money

Keep estate money separate from your own, and keep a record of every payment in and out.

Using estate property

Don't move into, rent out or sell the home, or give away belongings, without the authority to do so and the agreement of those entitled.

Guessing at values

Undervaluing an estate can lead to HMRC penalties and capital gains tax problems later. Get proper date of death valuations.

Unmarried partners and dependants

An unmarried partner, or anyone the person was supporting financially, may be able to claim a share of the estate under the Inheritance (Provision for Family and Dependants) Act 1975. If you think someone might, or you are that person, please get advice quickly because the time limit is short.

SECTION 6

Who inherits when there is no will

The intestacy rules decide who inherits. As administrator, you must follow them exactly, even if you know the person would have wanted something different. Each group only inherits if there's nobody in the group above.

Family situation	Who inherits
Married or in a civil partnership, no children	The husband, wife or civil partner inherits everything.
Married, with children, estate worth £322,000 or less	The husband, wife or civil partner inherits everything.
Married, with children, estate worth more than £322,000	The husband, wife or civil partner gets all personal possessions, the first £322,000 and half of the rest. The children share the other half.
Not married, with children	The children share everything equally.
Not married, no children	Parents, then full brothers and sisters, then half brothers and sisters, then grandparents, then full aunts and uncles, then half aunts and uncles.
No relatives entitled	The estate passes to the Crown.

- If a child, brother or sister, or aunt or uncle has already died, their own children inherit their share.
- A husband, wife or civil partner must outlive the person by 28 days to inherit.
- Unmarried partners and stepchildren who were not adopted do not inherit under these rules.
- The £322,000 figure is called the statutory legacy. It has applied since 26 July 2023.

Follow it step by step

Our free intestacy flowchart, in the same resources section of our website, takes you through each question to see who inherits in your situation.

SECTION 7

How we can help

You can absolutely do this yourself, and many people do. If you'd rather not, or you get stuck part way, we can pick up wherever you are.

- checking who is entitled to apply and to inherit
- valuing the estate and dealing with HMRC
- preparing and submitting the application
- looking after the whole estate for you, from start to finish

Our fees are fixed and agreed up front, with no percentage of the estate. Everything can be done by phone, video and post, wherever you are in England and Wales.

Would it help to talk it through?

A free, no-obligation call. We'll listen, answer your questions and explain your options. If you'd rather do it yourself, we'll tell you how.

0800 612 4512

Monday to Friday, 8.30am to 5.30pm. We usually reply within a couple of hours.

Speak to an advisor

Bereavement support

Grief can be overwhelming, especially alongside paperwork. Cruse Bereavement Support offers free support on 0808 808 1677. Samaritans are available any time, day or night, on 116 123.

The Probate Service

Guidance and support from W&P Legal

You don't have to do this alone. Whether you want a quick answer, help with one part, or someone to take care of the whole estate, we're here.

0800 612 4512

Monday to Friday, 8.30am to 5.30pm

advice@wplegal.co.uk | **theprobateservice.org**

Speak to an advisor

The Probate Service is run by W&P Legal, Unit 4, The Stirling Centre, Stirling Way, Market Deeping, PE6 8EQ. We are voluntarily regulated by the Society of Will Writers and Estate Planners' professional standards body, and are members of STEP and the Institute of Paralegals. Any reserved legal work is carried out by our SRA-regulated partner, Bright Legal. We are not part of HM Courts and Tribunals Service.

This guide gives general information about the law in England and Wales and was correct in November 2026. It is not legal advice about your situation.