



Understanding the probate process

An executor (personal representative or administrator) is legally responsible for carrying out the instructions in a person's Will and handling their estate (money, property and possessions) following their death. This responsibility extends from the date of death until the date everything has been passed onto the beneficiaries – the administration period.

It can be difficult to consider the practicalities required following a bereavement, especially when executors have such important, and at times complex, obligations – including applying for probate and dealing with an estate with several assets, or that include trusts.

This factsheet answers some common questions that may arise as part of the process of applying for probate, providing clarity on a difficult subject and assisting executors in understanding some of their key responsibilities.

We have a range of other helpful probate resources, including details of our probate and estate administration service, a guide for beneficiaries and a glossary of legal terms used in probate.

For more information on our probate services and to download our other factsheets, scan me:



Common questions about probate and the role of executor

What are an executor's duties?

An executor has a duty to

- + Apply for probate or letters of administration (if person who died had not left a Will);
- + Pay any tax due, including Income Tax (on things like rental income from property, profits from a business or income from investments); Capital Gains Tax (on profits from selling shares, investments or property); and Inheritance Tax;
- + Pay any debts left by the person who died;
- + Sell assets such as properties or shares; and
- + Distribute the estate to the beneficiaries.

How do you know who the executors are?

The executor is named on the Will, along with any beneficiaries.

Up to four executors can apply for probate, if there is more than one then decisions about the estate must be made jointly.

How do you renounce the role of executor?

Executors can choose not to take on this role and instead give up their responsibility – a renunciation.

In this situation, another named executor can carry out the required duties.

Further details on giving up executor rights can be found on [gov.uk](https://www.gov.uk)

What is probate?

Probate is the legal right to deal with someone's property, money and possessions (their 'estate') when they die.

No properties can be sold or assets distributed until probate or letters of administration have been granted.

Before applying for probate, check

- + That probate is required;
- + Who can apply for it; and
- + If there is Inheritance Tax to pay, the estate has to be valued. The value is required as part of the probate process, even if no tax is due.



Is probate always required?

Probate is not always required, specific conditions may mean there is no need to apply, including if the deceased had limited savings; if they owned shares or money with others; or if they owned land or property as 'joint tenants' with others.

Probate is always required to sell property (if the deceased solely owned the property) – the executor or administrator must be able to legally sign the deeds.

As a general rule, an estate worth more than £10,000, or including property, requires probate.

Financial organisations have their own rules and some banks, building societies and insurance companies will release funds from accounts without a grant of probate up to a specific threshold (this can be between £5,000 and £50,000).

What are the rules of intestacy and what happens if there is no Will?

If there is no Will then the rules of intestacy apply. This means that the closest living relative to the deceased can apply to the Probate Court for a grant of administration which appoints them as administrator of the estate.

Professional advice can be sought to determine who could be entitled to a share of the estate if there is no Will.

Click here to view our Probate & Estate Administration factsheet with further details on how the intestacy rules could affect you and your family.



Should executors communicate with beneficiaries?

Executors are not legally required to provide updates to beneficiaries, however it remains important to keep them informed about any actions that could impact their inheritance.

Probate can be a lengthy process and regular communication helps to maintain positive relationships throughout.

Professional accountancy firms communicate information and updates directly to the executors that can be subsequently passed on to the beneficiaries.

What is the order of distribution for beneficiaries?

Once any debts and taxes have been paid, and there is certainty that there is enough money in the estate to do so, the assets can be distributed to the beneficiaries.

There is a specific order in which assets from the estate can be distributed to the beneficiaries. It is important that liabilities are settled first, then legacy beneficiaries receive their inheritance, and finally residual beneficiaries receive whatever remains in the estate.



Checklist for executors

In addition to carrying out the instructions in a person's Will, an executor often takes on many of the duties required to finalise the affairs of the deceased.

It can be overwhelming thinking about the responsibilities of an executor and when specific actions need to be completed by. Here we provide details of some of the key actions assigned to an executor and the order in which they commonly occur.

1. Register the death:

In the district the person died and within five days in England, Wales or Northern Ireland, or within eight days in Scotland.

2. Obtain a copy of the Will:

The deceased may have stored this with a professional adviser or a safe place within their home. If finding a copy of the Will is not straightforward, consult with close family or friends, check with the deceased's solicitors or accountants, or **The National Wills Register**.

3. Arrange the funeral:

This can be arranged once a death certificate has been obtained. If sufficient funds are available, banks will normally release funds to pay for the funeral costs, or a pre-paid funeral plan may be in place. Alternatively, it may be that costs can be recovered from the estate afterwards.

4. Send a death certificate to appropriate organisations:

The death should be reported to utility companies and landlords, where appropriate. The **Death Notification Service** is a free service that enables several named banks and institutions to be notified at the same time. The government's **'Tell us Once'** online tool should be used to notify organisations such as HMRC and the DWP.



5. Financial information to value the estate:

Determine the deceased's financial assets by contacting financial organisations such as banks and pension providers. Banks will typically require a death certificate, a copy of the Will and proof of identity of the executors to share any information.

6. Inheritance Tax:

The value of the estate needs to be calculated to determine if Inheritance Tax (IHT) is due. The value of the estate includes all properties, cars, shares, foreign assets, and personal items. Information on gifts made seven years prior to the death should also be obtained as they will also form part of the taxable estate.

Generally, no IHT is due if the value of the estate is below £325,000, or if everything above £325,000 has been left to a spouse, civil partner, charity or community amateur sports club.

7. Apply for a grant of probate:

Executors may need to apply for a Grant of Probate to obtain authority to deal with the estate – **M+A Partners** are fully licensed and accredited to obtain probate on your behalf.

8. Dealing with finances:

Once a Grant of Probate has been obtained, the financial aspects of the estate can be dealt with – this may include selling a property or settling outstanding debts. Executor Accounts are available to hold the proceeds of any assets on behalf of the estate prior to distribution to the beneficiaries.

9. Preparing Estate Accounts:

There is a statutory duty to maintain accounts throughout the administration of the estate and produce final Estate Accounts – detailing any assets, debts, expenses and the final amount distributed to beneficiaries.

10. Distributing the estate:

This is the final step and there is a strict order of distribution, as detailed earlier on in this factsheet.



How M+A Partners can help

M+A Partners is pleased to be able to offer a professional and competitively priced full probate and estate administration service. This service helps to alleviate some of the obligations and worries at what is a very difficult and upsetting time and is available to all of our clients, their families and friends. We are fully licensed and accredited to obtain probate directly on your behalf.

For a consultation regarding probate and how our services can help you, please contact our experts:



Emma Hunt
Partner

emma.hunt@mapartners.co.uk



Tessa Morgan
Director of Private Client Services

tessa.morgan@mapartners.co.uk

We have a range of other helpful probate related resources on our website, please visit:
mapartners.co.uk/services/probate-and-estate-administration
or **scan the QR code** on the front of this factsheet.



Partners

Our Vision - to be the firm of choice,
through our team fulfilling their potential
and delivering exceptional client service

Disclaimer We believe the information herein to be correct at the time of going to press, but we cannot accept any responsibility for any loss occasioned to any person as a result of action or refraining from action as a result of any item herein. **April 2026** Printed and published by © MA Partners LLP. **M+A Partners** is the trading name of MA Partners LLP and MA Partners Audit LLP, which are limited liability partnerships. A list of members may be inspected at our registered office: 7 The Close, Norwich, NR1 4DJ. The term "partner" is used to refer to a member of MA Partners LLP or MA Partners Audit LLP. MA Partners LLP is regulated for a range of investment business activities and licensed to carry out the reserved legal activity of non-contentious probate in England and Wales by the Institute of Chartered Accountants in England and Wales. MA Partners LLP is registered in England and Wales (LLP number OC 361855). MA Partners Audit LLP is registered to carry on audit work in the UK by the Institute of Chartered Accountants in England and Wales. MA Partners Audit LLP is registered in England and Wales (LLP number OC 427003).

01603 227600
enquiries@mapartners.co.uk
mapartners.co.uk

MA Partners LLP
7 The Close, Norwich NR1 4DJ

Norwich | Attleborough | Cromer



Partners

mapartnersuk

