

*What to do  
when someone dies*



WALL JAMES CHAPPELL  
— SOLICITORS —

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Dealing with someone's death can be difficult and demanding. As well as coping with the loss you have to deal with the practicalities, most of which will be unfamiliar.

Wall James Chappell recognise this and have produced this practical booklet to assist you with everything, from registering the death to arranging funerals and dealing with the legal technicalities.

We are a friendly and approachable firm in Stourbridge. We have a dedicated and experienced team who offer a trouble free and professional service designed to take the burden off your shoulders.



## *Arranging the Funeral*

This can only be done when the death has been registered. There are numerous funeral directors listed in the Yellow Pages. You can also contact The National Society of Allied and Independent Funeral Directors or The National Association of Funeral Directors who will help you locate a local funeral director.

**We have listed some useful contact addresses below:-**

### **Local Funeral Directors:**

**H. Porter & Sons** Old Church House, 60 South Road, Stourbridge DY8 3UJ. Tel: 01384 395048

**J. Vernon Kendrick Ltd** Vernon House, Cemetery Road, Lye DY9 8DB. Tel: 01384 422123

**Mid Counties Co-operative Funeral Services** 12 Hagley Road, Stourbridge DY8 1PS. Tel: 01384 393433

### **Local Florists:**

**Flowers by Andrew** 16 Clifton Street, Stourbridge DY8 3XS. Tel: 01384 443380

**The Flower Basket** 11 Market Street, Stourbridge DY8 1AB. Tel: 01384 375766

**Fleurs De Vie** 2E High Street, Wollaston, Stourbridge DY8 4NH. Tel: 01384 375766

### **Local Caterers:**

**Jenny's Kitchen** 5-6 Albion Parade, Wall Heath, Kingswinford DY6 0NP. Tel: 01384 400733

**Butterfingers** 8 Hagley Road, Stourbridge DY8 1PS. Tel: 01384 377785

# Registering the Death

## What to do immediately after death

You should contact the duty doctor at the deceased's surgery who will come and certify the death and issue you with the relevant documentation to register the death.

A death has to be registered by the Registrar of Births and Deaths within five days, usually in the district where the death occurred. It is possible to register the death somewhere else, but in that case, the Registrar will pass the details to the Registrar in the correct district who will post the death certificate to you.

## Who can register the death?

- Relative of the deceased
- Person who is present at the death
- Person who is arranging the funeral (other than the funeral director)

The Registrar's address is in the telephone directory. For Stourbridge, contact Stourbridge Register Office, Crown Lane, Crown Centre, Stourbridge, West Midlands DY8 1YA Tel : 01384 812345.

You may need to make an appointment.

Upon registration you will be issued with two certificates:-

1. Certificate for burial/cremation ('Green Form') – you will need to take this to the Registering the Death funeral directors to arrange the funeral.
2. Death certificate - you will need more than one death certificate. Certified copies can be purchased from the Registrar at the cost of approximately £3.50 per copy. We would advise you to get at least three copies.

## What is needed to register the death?

- Medical certificate (with cause of death)
- Deceased's medical card (if available)
- Deceased's full name (including maiden name)
- Deceased's date and place of birth

- Deceased's last usual address
- The date and place where death occurred
- Deceased's last occupation
- Deceased's marital status
- The full name of the deceased's spouse, his or her last occupation and date of birth and death
- If deceased received pension or allowance from public funds, ie. a civil service or army pension then you need to inform the Registrar

## HM Coroner

In some cases, a death may be reported to the Coroner and sometimes there will be a post mortem or an inquest (where a death occurs suddenly and the deceased had not seen a doctor prior to death or where there are unusual circumstances).

The Coroner will let you know when you can attend the Registrar's Office to register the death and will advise what will be required from you. We have considerable experience in attending inquests for clients and are able to advise you on the procedure.

For Stourbridge and Dudley,  
contact HM Coroner Tel: 0845 352 67486

# Legal Considerations

## Who sorts out the assets and liabilities of the deceased?

### What is an executor?

After death someone has to deal with all the assets of the deceased, pay the debts and make sure what is left is allocated to the correct beneficiaries (under the terms of the Will or the rules of intestacy). This task is undertaken by one or more 'Personal Representatives' (PRs). They are called 'Executors' if appointed by Will or 'Administrators' if not.

There are strict duties for PRs and it is usual to appoint solicitors to assist with the job.

### In general the PRs should:

- locate and keep safe the deceased's Will
- notify the mortgage company of the death
- ensure that any empty property is secure and inform the insurers of the death
- keep safe any valuables
- secure any car and notify the insurers of the death
- contact the deceased's bank to freeze the account and to cancel standing orders and direct debits

**Note:** If a PR does not want to take up his or her role or if there is a dispute likely between relatives or beneficiaries, he or she must consult a solicitor before doing anything in relation to the deceased's possessions or assets.

### What if I do not want to be a Personal Representative?

If you do not wish to be a PR, you can renounce the role (ie. give it up) or reserve your power (allowing you to be a PR at a later date if you wish). You should consult a solicitor to assist you with this as soon as possible before carrying out any of the duties of a PR.

### Who is entitled to benefit from the estate?

If there is a Will, then it will define who is entitled to share in the estate and in what proportions.

If there isn't a Will, then the deceased died 'intestate'. In these circumstances the rules of intestacy apply. Briefly, the estate is divided between certain living relatives in specified proportions. If you think you are entitled to benefit, then you should contact a solicitor for further advice as soon as possible.

### Will Inheritance Tax be payable?

Inheritance tax (IHT) may be payable where an estate exceeds the threshold for IHT. The current threshold and rate of tax can be found on our website [www.wjclaw.co.uk](http://www.wjclaw.co.uk). There are certain exemptions from IHT (including English spouses and charities).



## Do I need any formal documents to allow me to deal with the estate?

If the value of the estate is minimal (generally under £5,000) then few formalities are required. However if the estate is worth more than this, then you must apply to the court for a legal document of authority so that you can deal with the assets. You will need this document to satisfy banks etc of your authority as PRs.

The application to the court consists of an Oath with the Will (if there is one) sworn by the PRs and a Court fee of approximately £60. If IHT is payable, it is paid partly at this stage and generally funds can be released from the deceased's bank accounts or a loan can be obtained to fund the IHT. You will be issued with a 'Grant of Probate' (if there is a Will) and 'Letters of Administration' (if there isn't a Will).

## Do I need to instruct a solicitor?

Although the PRs can apply personally for Probate/ Letters of Administration, this can be time consuming and will include a personal interview at the Probate Registry.

A solicitor will be able to deal with the application to the court quickly and with a minimum of inconvenience

to you. Death of a close relative makes life traumatic and stressful enough without having the burden of dealing with the legal technicalities as well.

The solicitor will deal with obtaining the Probate/Letters of Administration, paying the IHT and the income tax and capital gains tax affairs of the deceased. The solicitor will also deal with discharging the liabilities and distributing the assets in accordance with the Will or intestacy rules. The solicitor will produce full accounts, organise and administer any necessary trusts and advise on post-death tax planning.

## Can the terms of the Will be changed?

It is possible, within two years of death to change the distribution of the estate if all the beneficiaries agree. This could be appropriate to reduce the tax bill or because the family's wishes are not achieved by the Will.

## What will we need to administer the estate?

- 2 certified copies of the death certificate
- The deceased's original Will (if any)
- Details of the deceased's assets and all known debts – we will provide you with a probate questionnaire to assist you with this

*At Wall James Chappell we aim to provide you with an efficient and understanding service in winding up the deceased's estate and ensure that you get both tax and financial advice.*

# *We can also help with*

**The funeral arrangements** - there may or may not be guidance in the Will. These are the responsibility of the PRs in consultation with the family.

**Obituary notice** – wording and placing of an obituary notice in suitable journals.

**Security of the deceased's property** - if the deceased's residence is to be left unoccupied, the PRs should consider the best way of protecting its contents. We can notify the insurers of both the house and its contents of the death. (However, if a PR does not want to take up his or her role or if there is a dispute likely between relatives or beneficiaries, he or she should consult a solicitor before removing anything or securing the property).

**Post death re-organisation of the estate** - within 2 years of death, the Inland Revenue will allow the distribution of the estate to be changed. This may be appropriate where the Will is out of date, the family's wishes have changed or to reduce the estate's IHT liability.

**Reserving power and renunciation by a Personal Representative** - not all the PRs appointed by the Will need necessarily be involved in the estate's administration. We can take steps necessary to release you.

**Sale of the deceased's home** – we have a specialist property department that can assist in this respect.

**Financial advice** – our Independent Financial Advisers can offer investment and financial advice in relation to legacies received from an estate.

**Fees** - We will agree a timescale and fees in advance with clients.

We are confident that you will find our fees competitive – especially in relation to fees charged by banks, whose fees are not open to challenge or independent assessment in the same way as those of solicitors.

*If you would like further advice please contact our Probate Department on 01384 371622*



# Glossary of Terms

## **Administrator**

Person handling the administration of an estate where there is no Will, or where no executors have been appointed.

## **Codicil**

A schedule or amendment to an existing Will.

## **Deed of Variation**

Deed changing the terms of the deceased's Will.

## **Discretionary Trust**

A trust where the payment of capital or income is at the discretion of the trustees (see Trust).

## **Estate**

The assets of the deceased.

## **Executor**

A person appointed by a Will to handle the administration of an Estate. A female Executor is known as an Executrix.

## **Grant of Probate**

Authority given to executors to administer an estate in accordance with the proven Will.

## **Inheritance Tax**

Tax (currently 40%) on estates above the nil rate band (see our website [www.wjclaw.co.uk](http://www.wjclaw.co.uk) for the current nil rate band). Not liable on transfers between English spouses.

## **Intestacy**

Where there is no valid Will, the estate is passed in accordance with the rules of intestacy.

## **Letters of Administration**

Authority to administer an estate where there is no Will. This booklet is intended for general guidance only and should not be relied upon in any individual circumstances.

## **Minor**

A person under the age of 18.

## **Nil Rate Band**

The amount up to which an estate is not liable to inheritance tax (see our website for the current nil rate band).

## **Pecuniary Legacies**

Gifts of cash.

## **Personal Representative**

General term for Executors and Administrators of an Estate.

## **Registrar**

The Registrar of Deaths – where the death needs to be registered.

## **Residue**

The remaining assets of an estate after debts have been paid and specific and cash gifts distributed.

## **Specific Legacies**

Non cash gifts, eg, jewellery.

## **Testator**

A person making a Will. A female making a Will is known as a Testatrix.

## **Trust**

Holding property for the benefit of another person or class of persons (beneficiary)

## **Trustee**

A legal owner of a trust responsible for administering the trust in line with the aims of the trust and in the best interests of the beneficiaries.



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