



## What is probate?

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**When someone dies you need to get the court's permission to deal with their estate before you can do anything. This means that you are not allowed to collect up the assets, distribute them to beneficiaries or even pay off debts until you have gone through the probate process.**

The way in which you need to proceed will depend on one of the following:

- If there is a Will it will usually name executors. These are people named by the deceased as responsible for managing the probate process and the eventual distribution of assets etc. They can apply to the probate registry for a 'grant of probate'.
- If there is a Will but it doesn't name executors, or if none of the executors want to act, a beneficiary of the Will is allowed to apply to the probate registry themselves for a 'grant of letters of administration (with Will)'.
- If there isn't a Will, a relative or other eligible person is allowed to apply for a 'grant of letters of administration'.

The executors, or those applying, will be asked to sign an oath confirming the information provided is accurate and that they will manage the estate in a correct way.

At this point, assuming you have met all of the required criteria, the probate registry will issue the correct one of these three grants to allow you to proceed. These can then be used to prove that you are entitled to manage the deceased's estate and release any money or assets accordingly.

If you are concerned that there is no Will, read our 'Dying without leaving a Will' need to know document.

For more information on the probate process, please follow the link [wards.uk.com/wills-and-mental-capacity](https://wards.uk.com/wills-and-mental-capacity) or contact Jenny Pierce on 0117 9292811.

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