

PROBATE – WHO INHERITS UNDER INTESTACY RULES

In England and Wales, when someone dies without leaving a valid will, his/her estate (property, money, belongings etc.) must be shared out in accordance to the rules of intestacy.

There are many different family dynamics for which the rules do not account for. It is not uncommon for the family dynamics to be complicated by multiple marriages, divorces, children and stepchildren, and unmarried couples. These modern family relationships can be overlooked where there is no Will.

Under the intestacy rules, only direct family can inherit. Important people in your life (for example step children and unmarried partners) could be ignored when your estate is distributed if you die without a valid Will. Likewise, estranged family members, who you may not wish to benefit, could benefit from your estate.

HOW DO I KNOW IF THE PERSON LEFT A WILL?

Some people will not reveal if they made a Will or not. If you have permission you could search their home.

Alternatively, you could ask their lawyer or bank to see if the original Will is being stored with them.

You can also carry out an online search via Certainty <https://www.nationalwillregister.co.uk/>

Further the rules of intestacy do not take into consideration any special requests. All personal possessions will have to be divided up even if the deceased may have verbally promised certain items to specific friends.

It can be extremely stressful, costly and time consuming to deal with an intestate estate.

WHAT IF I CANNOT LOCATE A WILL?

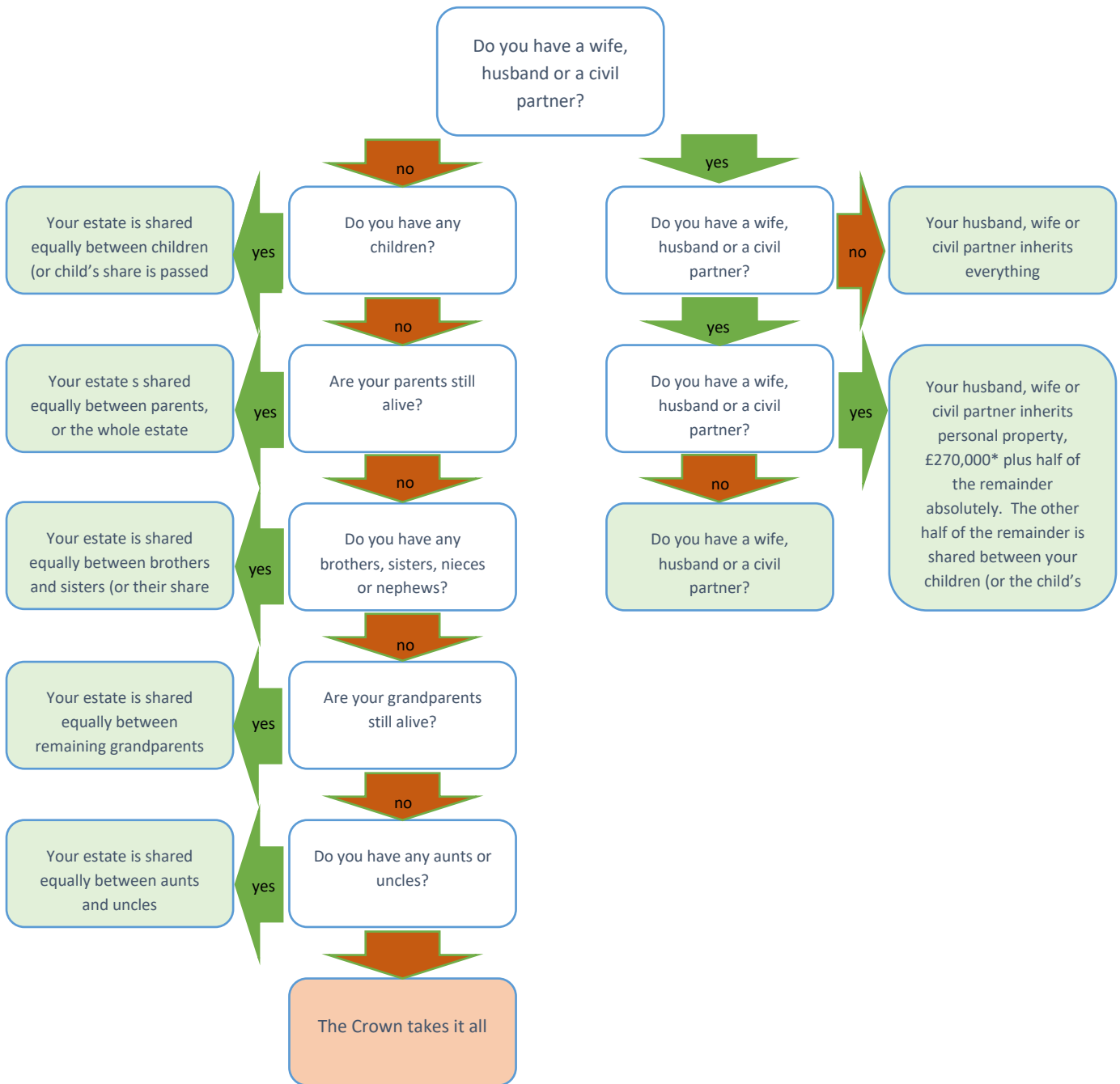
If no Will can be found, then the rules of intestacy will apply. These rules are strictly based upon the following relationships:

- If there is a partner by marriage, or civil partnership, and children
- If there is a partner by marriage, or civil partnership, but no children
- If there are children but no partner by marriage, or civil partnership
- If there is no partner and no children

If there are no surviving relatives, the estate will pass to the Crown, which could mean that friends or unmarried partners will not benefit.

Financial dependents who do not inherit pursuant to the rules of intestacy may have to make a claim under the Inheritance Act.

Summary of the main rules of intestacy
(England and Wales)



- This figure is based on the current 2020 amount and could change.