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Probate and the administration of deceased persons' estates

**Browne
Jacobson**



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Probate and the administration of deceased persons' estates

When someone dies, we can help to deal with the deceased person's estate. Where the deceased leaves a will, the persons named as executors in the will may need to obtain a Grant of Probate from the Probate Registry which confirms their authority to deal with the estate.

If the deceased did not leave a will, then their estate passes in accordance with the statutory intestacy rules, and usually one or two beneficiaries who are entitled to the estate under the intestacy rules will apply for a grant from the Probate Registry which will provide them with the legal authority to deal with the deceased's assets.

As part of this process, a detailed inheritance tax return may need to be completed and submitted to the Inheritance Tax Office before applying for probate. In order to complete this tax return, it will be necessary to collate information about the assets and liabilities of the estate by writing to all relevant organisations and obtaining values and details of the deceased's estate.

The person(s) who are appointed to deal with the estate (whether by the will, or by the Probate Registry where there is no will) are responsible for dealing with the estate properly and in accordance with the law. They will need to pay the estate liabilities, finalise the estate tax positions and then distribute the residue of the estate to the correct persons.

There are numerous deadlines and potential traps for the unwary, and the persons dealing with the estate may face serious consequences if mistakes are made. We offer extensive technical expertise and experience together with a compassionate and supportive approach to guide you through the whole process of administering the estate.

Our team

Our team has more than 100 years of combined experience in advising clients on all aspects of wills and estate administration, with particular expertise in high-value estates and complex inheritance tax matters. We have 12 dedicated probate professionals carrying out this work, led by Robin Lecoutre, Head of Probate and Estate Administration. The team includes:



Robin Lecoutre
Legal Director

Robin has extensive experience in advising clients on a wide range of private client matters, including probate and the administration of complex estates (including estates with overseas elements), inheritance tax, wills and trusts. Robin is a member of the Society of Trust & Estate Practitioners (STEP), the Law Society Private Client Section, and Solicitors for the Elderly (an independent national organisation of lawyers who provide specialist legal advice for older people). Robin has obtained a STEP Advanced Certificate in Cross-Border Estates.



Lucy Worwood
Partner

Lucy has over 20 years' experience advising on all aspects of personal tax, trust and will drafting, and estate and succession planning, with a focus on preserving family assets and businesses across generations. She has particular expertise in trust restructuring, advising offshore trustees, and providing personal tax planning advice for non-UK domiciliaries. Her clients include both onshore and offshore individuals and entities, such as family businesses, landowners, professional trustees, and those focused on preserving family wealth. Lucy is a member of STEP.



Wenna Thompson
Consultant

Wenna has over 20 years' experience in advising clients and accountancy firms on all aspects of private client tax and estate planning. She has particular expertise in advising clients on the use of trusts in the context of the devolution of family wealth and the preservation of family owned estates and businesses.

Wenna is trustee and executor for many clients, and is director of Mowbray Trustees Limited. Wenna is a member of STEP.

Our team

“They are fully deserving of our top award as they consistently demonstrate the highest levels of client experience and achieved high scores against all the criteria we measure.”

Neil Craig, Director, Investor in Customers



Imogen Holmes
Partner

Imogen has over 13 years' experience of acting on a broad range of private client related matters. She advises on and supports decision making in relation to estate and succession planning, wills and trusts, inheritance, tax planning and wealth protection, provision for business owners/farming families and estate/trust administration. Imogen also has a background in advising families on matters relating to disability, mental capacity, care provision, and funding. Imogen is a member of STEP.



Scott McKittrick
Partner

Scott's areas of expertise lie in supporting inter-generational trusts, acting as a trustee, advising trustees of their responsibilities and guiding business owners with their estate planning. He is also well experienced in estate administration (including cross-border estates), wills and inheritance tax issues.



Jackie Barnes
Partner

Jackie has 20 years' of experience in advising clients on estate planning, inheritance tax, wills and trusts as well as administering complex estates. Jackie has been a member of the Society of Trust and Estate Practitioners for over 18 years and has obtained the Society's advanced certificates in Cross-Border Estates and UK Tax for International Clients.

Our team



Koren Holbourn
Senior Associate

Koren specialises in advising on succession planning, including inheritance tax planning and capital gains tax planning, with a particular focus on preparing wills and trusts for clients who own land or businesses. She also prepares powers of attorney and manages the administration of complex estates.

Koren holds a Diploma in the Administration of Trusts and Estates and is a member of STEP.



Bindu Kotecha
Trust Accounts & Tax Manager

Bindu has over 21 years experience as an accountant specialising in the administration of trusts, preparing accounts for trusts, estates, and charities and dealing with their tax compliance work (income tax, capital gains tax, inheritance tax, trust registration). Bindu also regularly deals with the tax affairs of trust and estate beneficiaries. Bindu is a member of the Institute of Chartered Accountants in England and Wales (FCA) and STEP.



Jessica Park
Associate

Jessica advises clients in relation to their personal tax and estate planning, drafting wills and trusts and the preparation of lasting powers of attorney. She also assists clients with the administration of trusts and estates.



Charlotte Ellis
Associate

Charlotte advises on drafting wills, trusts, the preparation of lasting powers of attorney, personal tax planning and the administration of estates.



Rosie Dickens
Paralegal

Rosie assists with the preparation of lasting powers of attorney and the administration of trusts and estates.



Danielle Ashworth
Paralegal

Danielle assists with the preparation of lasting powers of attorney and the administration of trusts and estates.

Our fees and pricing

Our fees are based on the time spent carrying out the work. However, to give you an indication of the likely costs for assisting with 'straightforward' estates, which may include gathering information to prepare the inheritance tax return, applying to the Probate Registry for the grant, and collecting and distributing the estate assets, we typically find that our charges fall within the following price ranges:

For estates where no inheritance tax is payable:

£9,000
– £18,000

+ VAT (charged at 20%)

The exact cost will depend on the individual circumstances of the matter, although they will always be fair and reasonable.

For example, if there is one beneficiary and no freehold/leasehold property, costs are likely to be at the lower end of the range.

For estates where inheritance tax is payable:

£18,000
– £26,250

+ VAT (charged at 20%)

If there are multiple beneficiaries, a property and multiple bank accounts and/or shares, costs will be at the higher end.

We can provide you with a more precise fee estimate once we have more information about the estate. Our fees are normally paid from the estate after Probate has been obtained.

The indicative fee ranges on the previous page are for straightforward estates, e.g. estates where:

1

There is no more than one freehold/leasehold property;

2

There are no more than four bank/building society accounts, and no more than 10 quoted shareholdings/investment holdings;

3

There are no more than five cash legatees and four residuary beneficiaries;

4

The estate has no unusual assets or liabilities/potential liabilities, and no business interests or private company shareholdings;

5

There are no disputes between the beneficiaries about the division of assets, nor is the estate involved with any actual or threatened litigation (including any disputes about the validity or interpretation of the will);

6

There is nothing which complicates the inheritance tax position for the estate (e.g. significant lifetime gifts by the deceased or gifts in which the deceased 'reserved a benefit', claims for agricultural or business property relief, complications with claiming the transferable nil rate band or the residence nil rate band, or trusts which the deceased created or had an interest in);

7

The deceased was domiciled in England and had no foreign assets, and there is no multi-jurisdictional aspect to the estate.



If the estate does not meet any of the aforementioned criteria it is likely that the administration of the estate will not be straightforward. More time would usually need to be spent dealing with these complicating factors which in all likelihood would lead to an increase in fees.

We would be very well equipped to assist you with any of these matters and would provide you with a fee estimate for that work once we have more information. Please note that the list of factors for straightforward estates highlights many, though not all, of the circumstances which, if not present, may make an estate more complex. In particular, we would strongly recommend that legal advice is sought if the estate does not meet criteria 4 – 7.

In addition to our fees, the following “disbursements”/ additional costs will also be paid out of the estate:

- Probate Registry application fee of £300, plus £1.50 for each additional copy of the grant of probate (one additional copy will usually be required for each asset).
- Bankruptcy-only search fees at the Land Registry – £6 per beneficiary.
- £200-300 (approx.) for publication of public notices in The London Gazette & local newspaper – these notices (where applicable) protect against unexpected claims from unknown creditors.

“Disbursements” are costs related to your matter that are payable to third parties, such as Probate Registry fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.



Potential additional costs

- If a significant amount of inheritance tax needs to be paid “up front” before applying for probate and that tax is to be raised from anywhere other than from the deceased’s bank account (e.g. perhaps by sale of estate investments prior to probate or by taking out an Executor’s loan from a bank), then there are likely to be additional costs for dealing with that.
- Dealing with the sale or transfer of any freehold or leasehold property in the estate is not included in the above fee ranges (legal conveyancing costs would be charged for separately).

How long will this take?

On average, straightforward estates are dealt with within 6-12 months, depending on how long it takes others (e.g. the Inheritance Tax office) to deal with matters. Typically, obtaining the grant of probate takes 2–3 months from obtaining instructions (assuming no inheritance tax is payable and a short form inheritance tax return can be completed).

It will usually take longer where inheritance tax is payable “up front” before applying for Probate and/or a long form inheritance tax return has to be completed – we would be able to give you an indication of timescale when we have more information about the estate.

About Browne Jacobson

We're Browne Jacobson.
The law firm working to make
a difference across business
and society.

Social and environmental impact are at the top of our agenda. Here, we champion fairness, make the complex simple and forge connections between clients to find creative solutions. This is how our lawyers improve outcomes for every person, community and business we serve.

Law needs all voices to reflect the society it serves. We're working towards social mobility, diversity, equity and inclusion in our firm – and our profession.

“Browne Jacobson has a highly skilled and professional team who have the ability to take on the most complex of private client work. The team are all high-calibre individuals and collaborate well with other Browne Jacobson departments and other professionals. They are very highly regarded in the legal profession.”

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