



How to apply for probate –

A guide for people applying without a solicitor

Applying for the legal right to deal with someone's property, money and possessions (their 'estate') when they die is called 'applying for probate'.

If the person left a will, you'll get a 'grant of probate'. If the person did not leave a will, you'll get 'letters of administration'.

You may not need probate if the person who died:

- had jointly owned land, property, shares or money – they will automatically pass to the surviving owners
- only had small savings or premium bonds

Contact each asset holder (for example a bank or mortgage company) to find out if you'll need probate to get access to assets. Every organisation has its own rules.

You can order extra copies of the probate document so you can send it to different organisations at the same time.

The process is different in Scotland and Northern Ireland. Contact the inheritance tax and probate helpline for advice.

Who can apply

If the person left a will

You can apply if you're an executor – someone named in the will, or in an update to the will (a 'codicil'), as a person who can deal with the estate.

You need the will and any updates to apply. These must be original documents, not photocopies.

The person who died should have told all executors where to find the original will, for example:

- at their house
- with a solicitor
- at the London Probate Department – you'll need the death certificate and to prove you're the executor to be sent the will

If the person did not leave a will

You can apply for letters of administration if you're the person's next of kin, in the following order of priority:

1. the married partner or civil partner
2. their child (including adopted children, but not step-children)
3. their parent
4. their brother or sister
5. their grandparent
6. their uncle or aunt

You can apply if you were still married or in a civil partnership with the person when they died, even if you were separated from them.

You cannot apply if you're the partner of the person but were not their spouse or civil partner when they died.

Joint applications

Usually only one person needs to apply for probate.

If more than one person is named as an executor, you must all agree who makes the application for probate. Up to 4 people can apply. If only one executor applies they'll need to prove they tried to contact all executors.

If the person entitled to the estate is under 18 two people are legally required to apply.

Only the executors who make the application will be named on the grant and their signatures will be needed to release the assets of the person who died.

If you do not want to or cannot be an executor

The will may name a replacement executor for someone who becomes 'unwilling or unable' to deal with the estate. Contact your local probate registry if no executors are willing or able to apply for probate.

You do not want to be an executor

You can do one of the following:

- give up your right to apply for probate (known as 'renunciation') – fill in a renunciation form (PA15) and send it with your probate application (PA1P)
- reserve your right to apply for probate later if another executor cannot deal with the estate (holding 'power reserved')
- appoint an attorney to act on your behalf – fill in an attorney form (PA11) and send it with your probate application, or send a signed Enduring Power of Attorney (EPA) or Lasting Power of Attorney (LPA)

A Lasting Power of Attorney must be registered with the Office of the Public Guardian.

When an executor is unable to apply for probate

A replacement executor should apply for probate if the executor is unable to, for example because:

- they've died
- they do not have 'mental capacity' – get a doctor to fill in a medical certificate form (PA14) and send it with the probate application

How to apply for probate

Report the estate's value and pay any inheritance tax you owe

You must estimate and report the estate's value to HM Revenue & Customs (HMRC) before you apply for probate.

How to do this:

- online – complete an Inheritance Tax Estate Report at www.tax.service.gov.uk/inheritance-tax
- by post if there is Inheritance Tax to pay – complete the inheritance tax account form (IHT400)
- by post if there is no Inheritance Tax to pay – complete the return of estate information form (IHT205)

Depending on estate's value, you may have to pay Inheritance Tax. You normally have to pay at least some of it before you're given probate. You can claim the tax back from the estate or beneficiaries if you pay it out of your own bank account.

Apply for probate online

Go to www.apply-for-probate.service.gov.uk to apply online. You can use this service if you're the executor and you:

- have the original will (if the person who died left a will)
- have the Official death certificate (or an interim certificate) from the coroner

Apply for probate by post

If the person who died left a will, fill in the probate application form PA1P. If they did not leave a will, fill in form PA1A.

Send it to your local probate registry along with your documents. See the directory of probate registries (leaflet PA4) for the postal address.

Sending documents

If you apply online you'll be told which documents to send and where to send them.

If you apply by post you'll need to send these documents to your local probate registry along with your application form:

- the original will and any updates
- the official death certificate or an interim death certificate from the coroner

The registry will not return the original will as it becomes part of public record.

You may want to make copies for your own records. Do not remove any staples or bindings to make copies.

Payment

See the probate fees list (PA3) for application costs.

If you apply online you'll pay by debit or credit card.

If you apply by post you can:

- send a cheque payable to HM Courts & Tribunals Service with your documents
- call the probate registry and pay by debit or credit card – you'll be given a reference number to send with your documents.

After you've applied

You'll receive the grant of probate and any copies you've ordered within 20 working days of your documents being received.

The Probate Registry will send you a letter or email you if they need any more information.

Get help

Probate helpline

0300 303 0648

Welsh language helpline

0845 302 1489

Opening hours

Monday to Friday, 9am to 5pm

Useful links:

- Information on applying for probate www.gov.uk/wills-probate-inheritance
- Probate forms and leaflets www.hmctsformfinder.justice.gov.uk
- Addresses of regional probate registries courtribunalfinder.service.gov.uk
- Information on inheritance tax www.hmrc.gov.uk/inheritancetax

Probate forms and leaflets

PA1P	Apply for probate (deceased left a will) (form)
PA1A	Apply for probate (deceased did not leave a will) (form)
PA2	How to apply for probate (leaflet)
PA3	Probate fees list (leaflet)
PA4	Directory of probate registries and interview venues (leaflet)
PA7	How to deposit a will with the probate service (leaflet)
PA7A	Withdrawing your will from the principal Probate Registry (form)
PA8	How to enter a caveat (leaflet)
PA8A	Apply to enter a caveat (form)
PA11	Apply for power of attorney (form)
PA1S	Apply for a probate search or standing search (form)
PA14	Medical certificate (form)
PA15	Apply for renunciation (form)
PA97	Notice to personal applicant

HMRC Inheritance Tax forms

IHT205	Return of estate information
IHT206	Return of estate information (guidance notes)
IHT400	Inheritance Tax Account
IHT400	Guidance notes