



What are my first steps?

# Dealing with a deceased person's estate

serving  
the community  
through the  
administration  
of justice

Northern Ireland Court Service  
[www.courtsni.gov.uk](http://www.courtsni.gov.uk)

We can provide this booklet in a wide range of alternative formats please contact the Information Centre at:

**Northern Ireland Court Service**

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## Page

- 4 Step 1 – Getting a grant
- 8 Step 2 – About the interview
- 9 Step 3 – Inheritance tax form
- 12 Step 4 – You will need to provide the following documents and information
- 14 Step 5 – Requesting an interview appointment
- 15 Step 6 – Probate fees
- 17 Step 7 – After the interview
- 19 Information for people attending the Probate Office, Royal Courts of Justice, Chichester Street, Belfast
- 21 Information for people attending the District Registry at the Courthouse, Bishop Street, in Londonderry
- 23 Useful addresses and phone numbers
- 24 Location map of Belfast
- 25 Location map of Londonderry
- 26 NI Court Service Standards

## Introduction

This booklet provides some information to help you if you are dealing with the estate of a person who has died (the deceased).

We recognise the difficulties that many people face when dealing with an estate after a death. We hope that this booklet and the help that is available in each of our offices will make your task a little less difficult.

### Step 1 Getting a grant

Following a death you may need to get a **Grant of Probate** if the deceased has left a **Will**, or a **Grant of Letters of Administration** if there is

no Will. A grant is an official document issued by the Court. You can apply for a grant using a solicitor.

A personal application procedure to get a grant without using a solicitor is available in the following circumstances –

- **If the deceased was domiciled in Northern Ireland and left a valid Will and you are named as executor in that Will.**
- **If the deceased was domiciled in Northern Ireland and did not leave a Will and you are next of kin and are resident in the United Kingdom.**

You may make a personal application by attending a pre-arranged interview at the registry appropriate for the county in which the deceased lived -

**The Principal Probate Registry  
Probate Office  
Royal Courts of Justice  
Chichester Street  
Belfast  
BT1 3JF**

**The District Probate Registry  
The Courthouse  
Bishop Street  
Londonderry  
BT48 6PQ**

If the deceased lived in County Fermanagh, Londonderry or Tyrone you may apply for a grant at either of the registries.

If the deceased lived in County Antrim, Armagh or Down you may only apply for a grant at the registry in Belfast.

**You do not always need to get a grant.**

For example, if the estate -

- is a low-value estate - generally worth less than £10,000 and doesn't include land, property or shares.
- passes to the surviving spouse/civil partner because it was held in joint names.

A bank or other financial institution may either release the funds without a grant or tell you to get a grant of probate first.

Some banks and financial institutions may insist on a grant before giving you access to even a small amount of money.

## **Step 2 About the interview**

You need to bring the required original documents to the interview.

You may have a friend with you, but no person acting as an adviser may be present at the interview.

A member of staff will inspect the documents, ask you some questions and prepare the probate forms for you to sign. You will make an oath or make an affirmation confirming that all the details of your application are true and correct.

If the documents you bring are not to the satisfaction of the Probate Officer, the personal application cannot proceed. You will need to instruct a solicitor to make the application on your behalf.

### **Step 3 Inheritance tax form**

(‘HMRC IHT’ is the Inheritance Tax Office within HM Revenue & Customs. It is in Nottingham.)

You must contact the Probate and IHT Helpline **0845 30 20 900** or use their website at **[www.hmrc.gov.uk/inheritancetax/](http://www.hmrc.gov.uk/inheritancetax/)** to find out if you will need to produce an Inheritance Tax Account and to obtain the correct tax form for your probate application.

A comprehensive set of notes to help you fill in the tax form is also available from HMRC IHT.

You should draw their attention to the fact that the deceased was domiciled in Northern Ireland as the procedures for getting a grant differ for each country within the United Kingdom.

If the estate qualifies as an excepted estate, you must complete the IHT205 Return of Estate Information form appropriate for the date of death. Do not send the IHT205 form to HMRC IHT.

If the estate does not qualify as an excepted estate, you must complete an IHT400 Inheritance Tax Account (with schedules)

and IHT421 Probate Summary. If there is Inheritance Tax to pay, refer to the IHT400 Notes for further information. Send the Account, Schedule and Summary forms to the HMRC IHT Office in Nottingham. The IHT421 will be stamped by HMRC IHT and returned to you.

You are responsible for ensuring that the deceased's estate is fully recorded and its value is correctly calculated on the tax form.

Any queries you may have in completing the tax form must be referred to HMRC IHT, not to the Probate Office.

## **Step 4 You will need to provide the following documents and information**

**Proof of your identity**, such as a valid passport, driving licence or Translink Smartpass. If you do not have any proof showing your photograph, we may accept some other official document with two recent bills from two utility (electricity / gas / telephone) companies showing your name and address.

**A certified copy of the death certificate of the deceased**, or if a death certificate has not been issued, a **coroner's certificate** (Form 21A). This certificate is kept in the court file after the interview.

**The original Will** (if there is one). Make sure that no-one writes on the original Will or attaches paperclips or staples to it. The original Will is kept in the court file after the interview.

**Marriage certificate or Decree absolute** if appropriate – for example, if the deceased died without a Will and was married or divorced.

**HMRC IHT tax form** - either

- a completed form IHT205 Return of Estate Information, or
- a stamped form IHT421 Inheritance Tax Account Probate Summary.

**Any other document(s) requested by the Probate Officer.**

## Step 5 Requesting an interview appointment

When you have obtained all the relevant documents mentioned in Step 4, you should send a completed **appointment request form** (included at the back of this booklet) with the required **documents** to the probate registry.

We will notify you of the appointment date and time by telephone or letter.

If the deceased person left a Will, at least 7 days must have passed from the date of death to the date of appointment. If there is no Will, 28 days must have passed.

We aim to give you an appointment within three weeks of receipt of your request for an interview. The interview will take place in a private office and will last about thirty minutes.

## **Step 6 Probate fees**

You must pay any prescribed probate fees at the end of the interview. You may pay by cheque, credit/debit card or cash.

The fees to be paid are based on the net value of the estate and are made up of two parts –

- **the grant fee** and
- **the personal application fee.**

The fee schedules are as follows -

**the Grant fee**

Net value of the estate	Fee
Not exceeding £10,000	Nil
Exceeding £10,000	£200.00

**PLUS**

**the Personal Application fee**

Net value of the estate	Fee
Not exceeding £10,000	Nil
Exceeding £10,000	£50.00

The fee for a certified copy of the grant is £10.00.

## **Step 7 After the interview**

We aim to issue the Grant of Probate or Grant of Letters of Administration within one week of your interview. It will then be sent to you by post.

**Being entitled to a grant does not mean you are entitled to the assets in the estate.**

As the person named in the grant as executor or administrator you must pay the debts the deceased had, and distribute the rest of estate according to law -

- following the terms of the deceased's Will or,
- if the deceased did not leave a Will, following the rules for the distribution on intestacy.

**We do not give advice on how an estate should be distributed.**

If you are unsure how to distribute the estate you should get legal advice before applying for a grant.

You have a legal obligation to keep proper records for the estate and, if so ordered, to give a full account of the estate to the Court.

**Information for people  
attending the Probate Office,  
Royal Courts of Justice,  
Chichester Street, Belfast**

**Public transport**

The Royal Courts of Justice building is close to the Waterfront Hall and is not far from Laganside Bus Terminal and Central Railway Station. The Europa Buscentre at Glengall Street is about  $\frac{3}{4}$  mile away.

**Car parking**

There is no public car parking at the Royal Courts of Justice. However, there are several public car parks near the building and in the centre of Belfast. These are shown on the map included later in this booklet.

### **Accessible entrance**

If you have a mobility disability and need to get your vehicle close to the accessible entrance of the building please telephone the Administration Office on 028 9072 4662 at least a day before your appointment to confirm the access arrangements for your visit.

### **When you arrive**

When you arrive, you should ask at the reception desk for directions to the Probate Office on the second floor. At the office you should tell a member of staff that you have arrived for your probate interview appointment.

## **Information for people attending the District Registry at the Courthouse, Bishop Street, in Londonderry**

### **Public transport**

The bus station is about ½ mile from the Courthouse.

The train station is on the other side of the River Foyle, about a mile from the Courthouse.

### **Car parking**

There is no public car parking at the Courthouse, but there are a number of car parks within walking distance of the building.

### **Accessible entrance**

If you have a mobility disability and need to get your vehicle close to the accessible entrance of the building please telephone

the District Registry on 028 7126 1832 at least a day before your appointment to confirm the access details for your visit.

### **When you arrive**

When you arrive, you should ask at the General Office for directions to the District Registry. At the District Registry office you should tell a member of staff that you have arrived for your probate interview appointment.

## **Useful addresses and phone numbers**

### **Coroners Service for Northern Ireland**

May's Chambers

73 May Street

Belfast

BT1 3JL

Phone: 028 9044 6800

Fax: 028 9044 6801

Email: coronersoffice@courtsni.gov.uk

Website: [www.coronersni.gov.uk](http://www.coronersni.gov.uk)

### **Registrar of Births, Deaths and Marriages**

#### **General Register Office**

Oxford House

Chichester Street

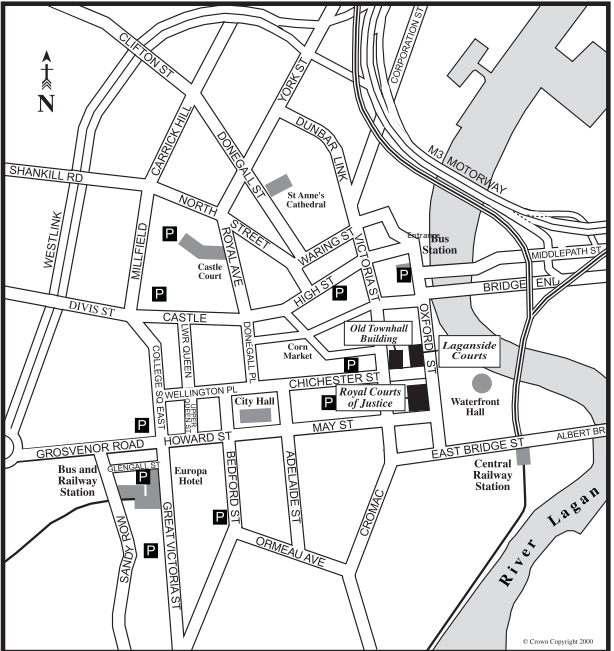
Belfast

BT1 4HH

Phone: 028 9025 2000

### **Probate and IHT Helpline**

Phone: 0845 30 20 900



**Map of Belfast.**



## **NI Court Service Standards**

### **General Standards**

- When you phone a court office you can expect your call to be answered within 30 seconds, to be given the name of the court official and the court official to be clear and helpful.
- When you write to or e-mail a court office, you can expect an acknowledgment to your query. A written reply will be sent within 15 working days and you will be given the name and contact details of the member of staff dealing with your query and will include your reference details if supplied.
- When you come to Court you can expect, the court building to be open by 9.00am. The public counter to be open normally from 9.30am to

4.30pm. Staff to be polite and helpful and clear signage to be in place.

- At the public counters you will be attended to within 10 minutes. If this is not possible, an explanation will be given for the delay.

In addition to the above service standards, you can also expect that -

### **Information**

- An information/reception desk will be attended from 9.30am daily at all main court venues.
- Court lists will be displayed from 9.30am daily. You should note that cases are not always called in the order they appear on the list. (if you need any information about your case at any time

please contact a court official who will help you).

- Some court lists will be available on the Court Service website [www.courtsni.gov.uk](http://www.courtsni.gov.uk).
- When you go to the public counter, we will respect your privacy and discuss any confidential business in private.
- If you require information, or are to meet someone when you arrive at court, you can get help from the reception/information desk or a court official.

### **Facilities**

- Refreshment and toilet facilities will be available at all main court venues.
- Waiting areas will be clean, heated, well lit and comfortable.

- Consultation facilities can be made available should you need to discuss confidential business in private. Please ask at the reception/information desk.
- If you have a particular need in relation to your attendance at court or if you have a disability, arrangements can be made to assist you. Please ask at reception for the Customer Service Officer, the Disability Liaison Officer or contact the court office in advance.

Standards for key user groups are also available at the public counter in each court office. If you need any assistance please speak to the Customer Service Officer.

## **Helping us improve our service**

We want to know how you think we have done and your suggestions on how we might improve. There are comment cards in the main hall of each building.

## **Complaints**

The Northern Ireland Court Service respects the views of all court users. A separate leaflet 'Making a complaint about the Northern Ireland Court Service' provides information on how to make a complaint. To obtain a copy of this leaflet ask a member of Court Service staff or contact the address on the back of this publication.



If you ask, we will give you the appropriate forms and show you how to fill them in.

We cannot give you legal advice or tell you what to say.



# APPOINTMENT REQUEST FORM

## for a probate interview

*For Probate Office use only*

*Interview on \_\_\_\_\_ at \_\_\_\_\_ pm Applicant notified on \_\_\_\_\_ by \_\_\_\_\_*

**When completed, send this form and required copy documents to  
Probate Office, Royal Courts of Justice, PO Box 410, Chichester Street, Belfast BT1 3JF**

<b>Strike out day(s) and time(s) that DO NOT SUIT for your probate interview</b>	Monday	Tuesday	Wednesday	Thursday
	2 pm 3 pm	2 pm 3 pm	2 pm 3 pm	2 pm 3 pm

*Details of the person who has died*

Full name of the person who has died:	Marital / civil status:  Occupation (if retired, previous occupation):  Age at death:
Did they leave a Will? Yes / No	

*Your details*

Full name of applicant attending interview: (Executor named in Will or Next-of-kin if no Will)	
Full address of applicant:	
Relationship to deceased:	Occupation (if retired, previous occupation):
Daytime contact telephone number:	

*Continue overleaf ►*

**This is not a probate application form**

*Details of other applicant(s) attending interview*

Full name of second applicant (if any) attending interview:  
(Executor named in Will or Next-of-kin if no Will)

Full address of applicant:

Relationship to deceased:

Occupation (if retired, previous occupation):

Full name of third applicant (if any) attending interview:  
(Executor named in Will or Next-of-kin if no Will)

Full address of applicant:

Relationship to deceased:

Occupation (if retired, previous occupation):

*Details of other executor(s) NOT attending interview*

Full name(s) of any Executor(s) named in Will (if any)  
NOT attending interview,  
and the reason for non-attendance:

Full name(s) of any Executor(s) named in Will (if any)  
NOT attending interview,  
and the reason for non-attendance:

**I enclose the required copy documents -**

- Tick if enclosed
- Photocopy** of the Death Certificate or Coroner's Certificate
  - Photocopy** of 'Return of Estate Information' tax form (fully completed),  
or IHT421 Probate Summary stamped by HMRC IHT
  - Photocopy** of the Will (not the original Will) – if there is one

**and I request an appointment for a probate interview as a personal applicant.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



INVESTOR IN PEOPLE

For more information about our work.  
Please contact us.

**Northern Ireland Court Service  
Communications Group**

Laganside House

23-27 Oxford House

Belfast BT1 3LA

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