

Telephone numbers for Probate Registries in England & Wales

Bangor Probate Sub-Registry	01286 669 755
Birmingham District Probate Registry	0121 681 3400
Bodmin Probate Sub-Registry	01208 261 581
Brighton District Probate Registry	01273 573 510
Bristol District Probate Registry	0117 366 4960
Cardiff Probate Registry of Wales	02920 474 373
Carlisle Probate Sub-Registry	01228 521 751
Carmarthen Probate Sub-Registry	01267 242 560
Chester Probate Sub-Registry	01244 345 082
Exeter Probate Sub-Registry	01392 415 370
Gloucester Probate Sub-Registry	01452 834 966
Ipswich District Probate Registry	01473 284 260
Lancaster Probate Sub-Registry	01524 36625
Leeds District Probate Registry	0113 386 3540
Leicester Probate Sub-Registry	0116 285 3380
Lincoln Probate Sub-Registry	01522 523 648
Liverpool District Probate Registry	0151 236 8264
London Probate Department	0207 947 6939
Maidstone Probate Sub-Registry	01622 202 048
Manchester District Probate Registry	0161 240 5700
Middlesbrough Probate Sub-Registry	01642 340 001
Newcastle District Probate Registry	0191 211 2170
Norwich Probate Sub-Registry	01603 728 267
Nottingham Probate Sub-Registry	0115 941 4288
Oxford District Probate Registry	01865 793 055
Peterborough Probate Sub-Registry	01733 562 802
Sheffield Probate Sub-Registry	0114 281 2596
Stoke-on-Trent Probate Sub-Registry	01782 854 065
Winchester District Probate Registry	01962 897 029
York Probate Sub-Registry	01904 666 777

Duties of Executors & Guardians



DUTIES of EXECUTORS

- 1. Register the death** of the testator. Obtain copies of the death certificate - several may be required not only before the funeral takes place but also for each of the funds that may have to be released or transferred e.g. bank accounts, insurance policies, shares and other equities.
- 2. Arrange the funeral.** The cost will usually be the first expense paid for from the deceased's estate. Make enquiries about the existence of a prepaid funeral plan which may pay for some or all of the funeral.
- 3. Apply for a Grant of Probate** via the nearest Probate Registry.
- 4. Arrange to open a Personal Representative's bank account.** This will be used for the receipt of money due to the estate and any loan arranged to pay an Inheritance Tax bill and/or probate fees.
- 5. Inform all relevant persons** and organisations - banks, building societies, life assurance companies, employers, local authorities, Inland Revenue, benefit agencies etc.
- 6. Arrange for a valuation of the Estate.** This will include the house and its contents, other personal effects, investments in savings plans, equities, life policies, building societies etc. Draw up a detailed schedule of all the testator's assets.
- 7. Draw up a full schedule of debts** that must be paid from the proceeds of the estate. These will include mortgages, income and capital gains taxes, bills, credit cards, loans and overdrafts.
- 8. Complete the forms required** by the Inland Revenue Capital Taxes Office so that it can be established whether any Inheritance Tax is due.
- 9. Complete the probate forms** and send or take them to the Probate Registry along with the original Will, the death certificate and the Inland Revenue account.
- 10. Provided that the case** is fairly straightforward, an appointment will be made for the personal representative to 'swear the papers' within about 5 - 6 weeks of receipt at the Probate Registry.
- 11. When Inheritance Tax is due** the executor's account of the estate is passed to the Inland Revenue and the Grant of Probate cannot be issued until the tax is paid. There will be circumstances where part of the estate has to be sold to pay Inheritance Tax and if this is the case banks can arrange loan facilities to pay the tax straight away.
- 12. Copies of the Grant of Probate** should be sent to everyone who owes money to the estate. The executors now have a legal authority to pursue any debts owing to the estate.
- 13. When the Grant of Probate is received** the estate can be divided according to the terms of the Will. The executor must prepare and sign accounts showing who has

received what from the distribution. They must be able to show that they acted in accordance with the terms of the Will in case there is any dissent from the family of the deceased.

14 . All papers including the Grant of Probate and the accounts must be stored safely for a period of 12 years.

DUTIES of GUARDIANS

- 1. You may be appointed** to act jointly with other guardians. If called upon, you may already have agreed which part of the child rearing role you will undertake — or you may need to decide this at the time with the other appointed guardians.
- 2. The surviving parent** usually assumes full custody of minor children if the parents were married. Even if the parents were divorced the surviving parent is normally entitled to resume full custody of minor children; however, this right will not necessarily be exercised — divorced testators may still choose to name friends or relations as the first choice for guardians. Unmarried fathers do not assume automatic custody rights unless a parental responsibility agreement is in place.
- 3. The ultimate decision** on who will act as guardians to minor children rests with the local Social Services. Naturally they will try to abide by the wishes expressed in a legally valid Will whenever possible.
- 4. Guardians may also be appointed** as executors and trustees in the same Will. It is useful if at least one guardian is also appointed to be an executor and trustee so that funds can be advanced most conveniently when required.
- 5. Guardians require the maximum flexibility** for living arrangements and the use of funds. All normal requirements can be catered for with a comprehensive selection of Trustee Powers which should be included in a professionally drafted Will. Whatever is informally agreed with the parents at the time of the appointment, guardians should not commit themselves to specific arrangements which they may not be able to fulfil in the future.

ACCEPTING APPOINTMENTS

Probate Registries will recognise a maximum of four executors acting jointly. In practice executors will decide amongst themselves how the work is to be shared. Once appointed, executors cannot be removed if they wish to take up their duties. However, an executor or guardian is also entitled to refuse to accept an appointment if they wish. Personal circumstances may change; it may not be practicable to accept appointments agreed in good faith at the time of a Will being written.