

Simplified intestacy rules

The following rules are provided by Her Majesty's Court Service and are valid for England and Wales. This information is not intended to be a definitive statement of the law covering every set of circumstances, nor is it legal advice.

<p>Deceased person dies leaving these relatives:</p> <p>Where relatives are shown in bold refer to explanatory note 2</p>	<p>After the payment of funeral expenses, tax and all other debts owed by the deceased, the rest of the estate goes to:</p> <p>Where relatives are shown in bold refer to explanatory note 2</p>
<p>A spouse or civil partner (but no children or other issue) and either parents or brothers or sisters of the whole blood or issue of brothers and sisters of the whole blood who predeceased the deceased</p>	<p>For dates of death prior to 1 February 2009</p> <ol style="list-style-type: none"> 1. where the net estate is not more than £200,000 – everything to spouse/civil partner 2. where the net estate is over £200,000 – the first £200,000 plus personal possessions plus half of the balance over and above £200,000. The other half of the balance over and above £200,000 to the deceased's parents equally; but if no parents then to brothers and sisters of the whole blood and to any children or other issue of brothers and sisters of the whole blood who have predeceased the deceased in equal shares. <p>For dates of death after 1 February 2009</p> <ol style="list-style-type: none"> 1. where the net estate is not more than £450,000 – everything to spouse/civil partner 2. where the net estate is over £450,000 – the first £450,000 plus personal possessions plus half of the balance over and above £450,000. The other half of the balance over and above £450,000 to the deceased's parents equally; but if no parents then to brothers and sisters of the whole blood and to any children or other issue of brothers and sisters of the whole blood who have predeceased the deceased in equal shares.
<p>A spouse or civil partner and children</p>	<p>For dates of death prior to 1 February 2009</p> <ol style="list-style-type: none"> 1. Where the net estate is not more than £125,000 – Everything to spouse/ civil partner 2. Where the net estate is over £125,000 – the first £125,000 plus personal possessions to the spouse/civil partner <p>Half of the rest is shared equally amongst the children .</p> <p>The spouse/civil partner gets the income or interest on the other half during his/her lifetime, and when the spouse or civil partner dies, the capital goes to the deceased's children equally.</p> <p>For dates of death after 1 February 2009</p> <ol style="list-style-type: none"> 1. Where the net estate is not more than £250,000 – Everything to spouse/ civil partner 2. Where the net estate is over £250,000 – the first £250,000 plus personal possessions to the spouse/civil partner <p>Half of the rest is shared equally amongst the children .</p> <p>The spouse/civil partner gets the income or interest on the other half during his/her lifetime, and when the spouse or civil partner dies, the capital goes to the deceased's children equally.</p>

<p>A spouse or civil partner (but no children), and either parents, or brothers or sisters of the whole blood.</p>	<p>For dates of death prior to 1 February 2009</p> <p>1. Where the net estate is not more than £200,000 (for dates of death after 1 February 2009) – Everything to spouse/ civil partner</p> <p>2. Where the net estate is over £200,000 for dates of death after 1 February 2009 – £200,000, plus half of the rest, plus personal possessions to spouse/ civil partner.</p> <p>The other half to the deceased's parents equally; but if no parents, then to brothers and sisters of the whole blood in equal shares.</p> <p>For dates of death after 1 February 2009</p> <p>1. Where the net estate is not more than £450,000 (for dates of death after 1 February 2009) – Everything to spouse/ civil partner</p> <p>2. Where the net estate is over £450,000 for dates of death after 1 February 2009 – £450,000, plus half of the rest, plus personal possessions to spouse/ civil partner.</p> <p>The other half to the deceased's parents equally; but if no parents, then to brothers and sisters of the whole blood in equal shares.</p>
<p>Children , but no spouse or civil partner</p>	<p>Everything to children in equal shares</p>
<p>Parent(s), but no spouse or civil partner, or children</p>	<p>Everything to parents in equal shares.</p>
<p>Brother(s) or sister(s), but no spouse or civil partner, or children or parents</p>	<p>Everything to brothers and sisters of the whole blood equally.</p> <p>If there are no brothers or sisters of the whole blood, then to brothers and sisters of the half blood equally.</p>
<p>Grandparent(s), but no spouse or civil partner, or children, or parents, or brothers or sisters</p>	<p>Everything to grandparents equally.</p>
<p>Uncle(s), Aunt(s) , but no spouse or civil partner, or children or parents, or brothers or sisters or grandparents</p>	<p>Everything to uncles and aunts of the whole blood equally.</p> <p>If there are no uncles or aunts of the whole blood , then to uncles or aunts of the half blood equally.</p>
<p>No spouse or civil partner and no relatives in any of the categories shown above</p>	<p>Everything to the Crown</p>

Explanatory notes

1. Explanation of terms used in the chart:

Words used in everyday language, often have different meanings in the legal sense. The following explanations are intended as a guide rather than strict legal definitions of the words used in this document

- A **spouse** is a person who was legally married to the deceased when he or she died.

- A **civil partner** is someone who was in a **registered civil partnership** with the deceased when he or she died. It does **not** include people simply living together as unmarried partners or as ‘common law husband and wife’.
- The term **children** includes children born in or out of wedlock and legally adopted children; it also includes adult sons and daughters. It does not, however, include step-children.
- Brothers and sisters of the **whole blood** have the same mother and father. Brothers and sisters of the **half blood** (more commonly referred to as “half-brothers” or “half-sisters”) have just one parent in common.
- Uncles and aunts of the **whole blood** are brothers and sisters of the **whole blood** of the deceased’s father or mother.
- Uncles and aunts of the **half blood** are brothers and sisters of the **half blood** of the deceased’s father or mother.
- **Domicile** is the country or state whose laws apply to you. Usually, this is the law of the place where you were born (your “domicile of origin”), but your domicile can change if you move to another country with the intention of staying there permanently .

2 a. If any of the deceased’s children die before him or her, and leave children of their own, (that is grandchildren of the deceased), then those grandchildren between them take the share that their mother or father would have taken if he or she had still been alive. This also applies to brothers and sisters, and uncles and aunts of the deceased who have children - if any of them dies before the deceased, the share that he or she would have had if he or she were still alive, goes to his or her children between them.

The principle applies through successive generations – for example, a **great grandchild** will take a share of the estate if his father and his grandfather (who were respectively the grandson and son of the deceased) both died before the deceased.

2 b. The principle is illustrated by this example, but as you will see, working out who gets what can easily become very complicated, and legal advice may be needed :

Thomas was a widower aged 98 when he died without a will. He had had four children, John, Harry, Kate and Mary. John, Harry and Mary were still alive, but Kate died two years before Thomas - she left two daughters, and her son James had already died several years ago, leaving two young sons.

Thomas’s estate is divided into four equal shares. John, Harry and Mary each get one share. The other share (which would have gone to Kate if she was still alive) is divided into three equal shares: her two daughters get one share each, and the other share (which would have gone to Kate’s son James if he was still alive), goes equally to his two young sons when they become 18. However, if either of Kate’s two young grandsons dies before reaching 18, his share will go to the other one.

3. If any of the following situations apply, or if you are in any doubt, you should consider seeking legal advice before distributing the estate of a person who has died without leaving a will:

- The deceased died before 4 th April 1988
- Anyone entitled to a share of the estate is under 18

- Someone died before the deceased and the share he or she would have had goes to his or her children instead (see note 2 for details)
 - The spouse/civil partner dies within 28 days of the deceased
4. A spouse or civil partner must out-live the deceased by 28 days before they become entitled to any share of the estate.
 5. An ex-wife or ex-husband or ex-civil partner (who was legally divorced from the deceased or whose civil partnership with the deceased was dissolved before the date of death), gets nothing from the estate under the rules of intestacy, but he/she may be able to make a claim under the Inheritance (Provision for Family and Dependents) Act 1975. through the Courts. Anyone wishing to make a claim should consider taking legal advice, as these claims are not necessarily straightforward and can frequently be expensive.
 6. Anyone who is under 18, (except a spouse or civil partner of the deceased), does not get his or her share of the estate until he or she becomes 18, or marries under that age. It must be held on trust for him or her until he or she becomes 18 or gets married.
 7. Apart from the spouse or civil partner of the deceased, only **blood relatives**, and those related by **legal adoption**, are entitled to share in the estate. Anyone else who is related only through marriage and not by blood (for example, a step-brother or step-sister) is not entitled to share in the estate.
 8. If anyone who is entitled to a share of the estate dies **after** the deceased but before the estate is distributed, his or her share forms part of his or her own estate and is distributed under the terms of his or her own will or intestacy.
 9. Great uncles and great aunts of the deceased (that is brothers and sisters of his or her grandparents) and their children are not entitled to share in the estate.

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