



Resource Centre · Private Client

The executor's guide

What an executor does, from the death to the final distribution: probate, inheritance tax, debts and claims.

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An executor's guide: from the death to the final distribution

What an executor does, from registering the death to the final accounts: the grant, inheritance tax deadlines, creditor notices and family claims.

Someone has died, and you are named as an executor in their will. The job is to gather in everything they owned, pay what they owed (including any inheritance tax), and pass on what is left to the people the will names, keeping a record of all of it. Most estates take many months. You do not have to take the role on. But once you start dealing with the estate, you are personally responsible for doing it properly.

The short answer

An executor collects the estate, pays the debts and the tax, and distributes the rest under the will. You will usually need a grant of probate to do it. Inheritance tax is due by the end of the sixth month after the month of death. Do not distribute until creditors and family claimants have had their time.

What an executor is, and whether you must act

The duty is set out in [section 25 of the Administration of Estates Act 1925](#): to "collect and get in the real and personal estate of the deceased and administer it according to law", and to account to the court if required. In practice, you are responsible for the estate from the date of death until everything has been passed on. Being an executor does not make you a beneficiary; you inherit only if the will also leaves you something.

Do you want to act as executor?



Yes →

Apply for the grant, alone or with other executors. Up to four can be named on the application.

Not now →

If there are other executors, let them apply and hold power reserved. Tell them in writing; you keep the right to apply later.

Not at all →

Renounce, using form PA15. Your rights as executor then cease entirely, as if you had never been appointed.

Renunciation has a condition. Form PA15 requires you to declare that you have not "intermeddled" in the estate, which it explains as not having been involved in the deceased's financial affairs since the death. If you have already started dealing with the estate, take advice before you try to step back. In some cases you can instead appoint someone to apply on your behalf (form PA11).

The first few days

- **Register the death.** In England and Wales this must be done within five days, counted from when the register office is told that the medical examiner has confirmed the cause of death ([Births and Deaths Registration Act 1953, sections 16 and 17](#)). Weekends and bank holidays count. The rules are different if a coroner is investigating.
- **Use Tell Us Once.** The registrar will give you a reference number for the service, which tells most government departments at once. Use it within 28 days.
- **Secure the property.** Lock up an empty home, keep valuables safe, and tell the insurers, because cover for an empty property may come with conditions.
- **Find the original will.** Look in the person's papers, ask their solicitor, and check whether it was stored at the national probate registry in Newcastle. You need the original, not a copy. If there is more than one will, send in the most recent, and do not destroy earlier ones until the grant is issued.

The dates that matter

Within 5 days

Register the death

Counted from when the register office is told the medical examiner has confirmed the cause of death.

Within 28 days

Use Tell Us Once

Of getting the reference number from the registrar.

End of the sixth month after the month of death

Inheritance tax due

For a death in January, by 31 July. Interest runs on anything unpaid.

Within 12 months of the death

Form IHT400

Where full details of the estate must go to HMRC, and before you apply for the grant.

At least two months

Notice to creditors

The minimum time your statutory notices must allow for claims.

Six months from the grant

Inheritance Act claims

A claim after that needs the court's permission.

One year from the death

The executor's year

You cannot be made to distribute before then.

Do you need a grant?

A grant of probate is the court's confirmation of your authority. Whether you need one depends on what the person owned. Money held jointly, and property owned with someone else as joint tenants, usually passes automatically to the survivor. Banks and investment providers each set their own rules on when they need to see a grant. But HM Land Registry will not register a sale or transfer of a house or flat in the person's sole name without one. GOV.UK's advice is not to make financial plans, or put property on the market, until you have the grant.

1 Find the will and protect the estate

Find the original will, secure the home and valuables, and tell the insurers.

2 Value the estate

List every asset and debt at the date of death, including gifts made in the seven years before it.

3 Report and pay any inheritance tax

Most estates are excepted and report values in the probate application. Others send form IHT400 to HMRC, and pay, before applying.

4 Apply for the grant

Online through GOV.UK, or by post, with the original will.

5 Collect the assets and pay the debts

Send copies of the grant to the asset holders, sell or transfer property, and pay creditors and the estate's tax.

6 Distribute and account

Pay the legacies and the residue, and give the beneficiaries estate accounts.

Valuing the estate

List everything the person owned at the date of death, at its value on that date. Include the house, bank and building society accounts, investments, pensions and insurance that pay out on death, cars and personal possessions, money they were owed, and cryptoassets. Set against that the debts, the mortgage and the funeral. You also need to include gifts made in the seven years before the death, and any trust in which the person had a benefit.

Get exact figures from banks and pension providers. For possessions, the test is what they would have sold for. Keep the working: HMRC can ask to see your records up to 20 years after the tax is paid, and an inaccurate return can bring a penalty.

Inheritance tax

£325,000

nil-rate band, fixed until
5 April 2031

£175,000

residence nil-rate
band, for a home left to
descendants

40%

rate on the value above
the bands

- **The bands.** The first £325,000 is taxed at nothing. A further residence nil-rate band of up to £175,000 is available where a home, or a share in one, passes to children (including adopted, foster and stepchildren) or grandchildren. That band tapers away by £1 for every £2 by which the estate exceeds £2 million.
- **Transferable allowances.** Whatever proportion of either band was unused on the death of a spouse or civil partner who died first can be claimed and added to the survivor's. So, where the home goes to direct descendants, a couple can pass on up to £1 million without tax.
- **Exemptions.** Anything left to a spouse or civil partner, or to charity, is generally exempt. If 10% or more of the net estate goes to charity, the rate on some assets falls to 36%.
- **The freeze.** Both bands have stayed at these levels since 2009 and 2020 respectively, and the [Finance Act 2026](#) extends the freeze to 5 April 2031.
- **Business and farm property.** For deaths on or after 6 April 2026, 100% business and agricultural relief is limited to £2.5 million of qualifying property combined, with 50% relief above that. Any unused allowance can pass to a surviving spouse or civil partner.
- **Pensions, from April 2027.** For deaths on or after 6 April 2027, most unused pension funds and pension death benefits will count towards the estate, and personal representatives will be responsible for reporting them and paying the tax ([Finance Act 2026, sections 66 to 71](#)). Death-in-service benefits are excluded.

Excepted estate or full account? Most estates are "excepted": there is no tax to pay, and you give estimated values in the probate application. Broadly, that covers:

- estates below the threshold;
- estates of up to £650,000 using a spouse's unused threshold;
- estates under £3 million left entirely to a UK spouse, civil partner or charity.

Even with no tax due, full details must go to HMRC on form IHT400 in some cases — for example where the person gave away more than £250,000 in the seven years before death, kept a benefit in a gift, had foreign assets over £100,000, or had certain trust interests. Form IHT400 is due within twelve months of the death and must go in before you apply for the grant; HMRC then sends you a code.

Paying. The tax is due by the end of the sixth month after the month of death (for a death in January, by 31 July), and interest runs after that ([GOV.UK](#)). You normally have to pay some of it before the grant is issued. Banks and investment providers in the Direct Payment Scheme can pay it straight from the deceased's accounts. Tax on land, buildings and certain shares can be paid in ten yearly instalments, usually with interest.

Applying for the grant

Apply online through [GOV.UK](#), or by post on form PA1P (PA1A if there is no will), and send the original will. Since 13 July 2026, the fee is £526 if the estate is worth more than £5,000, up from £300; there is no fee for an estate of £5,000 or less. Extra official copies cost £2 each if you order them with the application, or £16 each afterwards. The will becomes a public record. [GOV.UK](#) says a grant usually arrives within 12 weeks of the application, longer if more information is needed.

Collecting the assets

With the grant, send a copy to each asset holder, then close accounts, cash or transfer investments, and sell or transfer property. If you are acting with others, agree how decisions and payments will be made; an executorship bank account helps. You must also deal with the deceased's own tax up to the date of death, and any income tax or capital gains tax that arises while you hold the estate.

Protecting yourself against unknown creditors

[Section 27 of the Trustee Act 1925](#) lets you advertise for claims. The notice goes in The Gazette and in a newspaper circulating where any land in the estate is situated, plus any other notice a court would have required. It must give at least two months for claims. When that time has expired, you can distribute having regard only to the claims you know about, and you are not personally liable to a creditor whose claim you had no notice of.

The protection has limits. A creditor who missed the deadline can still follow the property into the hands of the beneficiaries who received it. And the notice does not excuse you from the searches a buyer would make.

The law also gives you time. Under [section 44 of the Administration of Estates Act 1925](#), "a personal representative is not bound to distribute the estate of the deceased before the expiration of one year from the death" — the executor's year.

Paying debts in the right order

In a solvent estate, the funeral, testamentary and administration expenses and the debts come out of the estate before anyone inherits (section 34(3) of the 1925 Act). If the estate may not cover everything, the rules change. Under the **Administration of Insolvent Estates of Deceased Persons Order 1986**, the bankruptcy order of priority applies. Secured creditors rely on their security. Reasonable funeral, testamentary and administration expenses come next, then preferential debts, and ordinary creditors share what is left.

Do not distribute too early

If you pay out the estate and a debt or tax bill then appears that the estate can no longer meet, you may have to pay it yourself. Advertise for creditors, let the notice period and the six-month claims window run, and keep back enough for tax. If the estate may not cover its debts, take advice before paying anyone.

Claims against the estate

Where the deceased died domiciled in England and Wales, some people can ask the court for reasonable financial provision from the estate under the **Inheritance (Provision for Family and Dependents) Act 1975**. They include a spouse or civil partner, a former spouse who has not remarried, a cohabitant of at least two years, a child, someone treated as a child of the family, and anyone the deceased was maintaining. Under **section 4**, a claim must be made within six months from the date the grant is first taken out, unless the court gives permission.

Under **section 20**, you are not liable for distributing after the six months on the ground that the court might later allow a late claim, although what you distributed can still be recovered from the beneficiaries. A claim issued just inside the six months can be served up to four months after issue, so many executors keep a reserve for a while longer. If you hear of a possible claim, do not distribute until it is resolved.

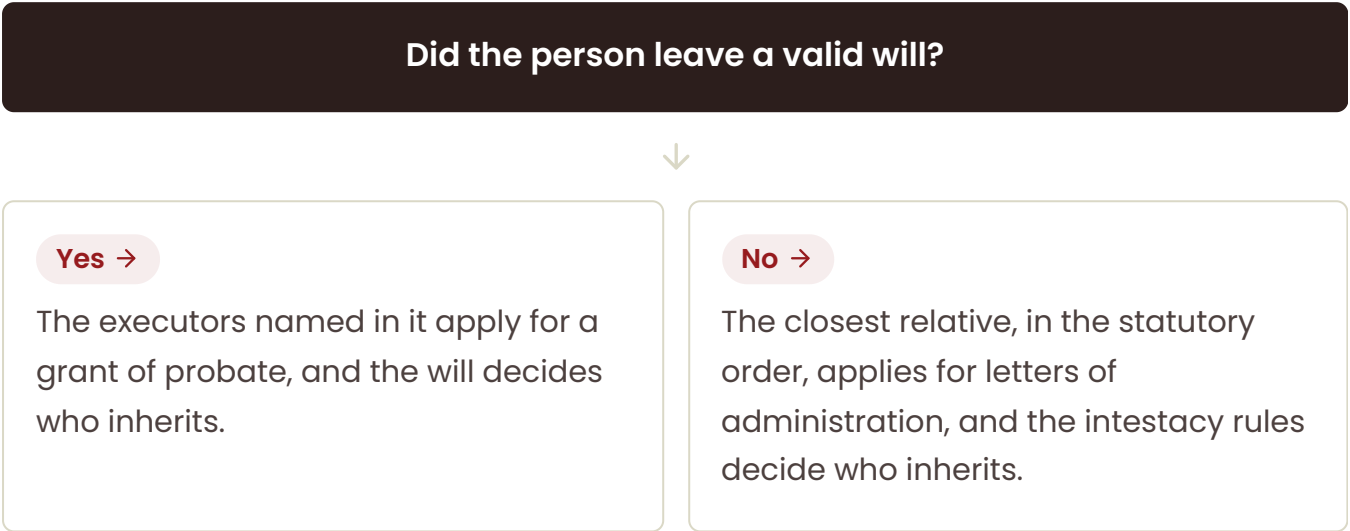
Estate accounts, and your own liability

Keep a full record of what came in, what was paid out and how the balance was divided. GOV.UK recommends final estate accounts, approved and signed by you and the main beneficiaries, with copies to every beneficiary. The court can also require you to account (section 25).

A loss caused by a failure to administer the estate properly can fall on you personally. The court can relieve a personal representative who "acted honestly and reasonably" and ought fairly to be excused (**Trustee Act 1925, section 61**), but that is a discretion, not a safety net. Take advice

where the estate may be insolvent, inheritance tax is payable, there is a business, farm, trust or foreign property, a beneficiary is a child or cannot be traced, or someone is unhappy with the will.

If there is no will



Without a will, the person who deals with the estate is an administrator. The **Non-Contentious Probate Rules 1987** set the order of who can apply, starting with the spouse or civil partner, then the children. Who inherits is fixed by **section 46 of the Administration of Estates Act 1925**:

Who survives	Who inherits
A spouse or civil partner, and children or other descendants	The spouse takes the personal possessions, £322,000 with interest (for deaths since 26 July 2023), and half of the rest; the descendants share the other half
A spouse or civil partner, and no descendants	The spouse takes everything
Descendants, and no spouse or civil partner	The descendants share everything
Neither	Parents; then brothers and sisters; then half-brothers and half-sisters; then grandparents; then uncles and aunts; then half-uncles and half-aunts; failing all of those, the Crown

A spouse or civil partner must survive by 28 days to inherit. An unmarried partner inherits nothing under these rules, however long the relationship, and has to rely on a claim under the 1975 Act.

What to do now

- Register the death, use Tell Us Once, and secure the home and valuables.
- Find the original will and decide whether you will act.
- Start a list of assets and debts with date-of-death values, and diary the tax deadline.
- Do not distribute anything until the notice period and the claims window have passed.

When to speak to a solicitor

Speak to one if any of those warning signs apply, or if you would rather not carry the risk alone. Our [wills and probate](#) team can obtain the grant and administer the estate with you or for you. If there is a disagreement — between executors, with a beneficiary, or over the will itself — see [executor and administrator disputes](#) and [contesting a will](#), or [contact us](#).

This guide is general information about the law of England and Wales, not advice on your situation.



Speak to one of our solicitors

This pack is general information about the law of England and Wales as at October 2026. It is not advice on your situation, and reading it does not make you a client. For advice on your own matter, contact us — or ask Ai Guy® at ai-law.co.uk/ask.

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