

Grant of Letters of Administration in Northern Ireland – Lastingpost.com

Introduction

If a person dies without a valid Will, they are said to have died intestate. In this event, there are specific rules that decide who receives what.

What is a Grant of Letters of Administration?

After a person's death, all their assets, including their bank and building society accounts, are automatically frozen. This is the case whether or not they left a Will.

If the deceased died intestate, you as the Next of Kin, will have to apply on Oath to the Probate Registry for a Grant of Letters of Administration. If you are in any doubt who should make the application, please click [here](#).

The only other occasion when an application is made to the Probate Registry for a Grant of Letters of Administration is when there is a Will but either there are no Executors named or when the Executors are unable or unwilling to make the application.

The Grant of Letters of Administration issued by the Probate Registry allows you as the Next of Kin or "Administrators" to deal with all the property and other assets of the person who has died.

As part of the application, the Administrators will need to provide to the Probate Registry a valuation of the deceased's assets. Probate will not usually be granted until all or some of any Inheritance Tax that is due has been paid.

Is a Grant always Required?

The Administrators will not, however, need to apply for Letters of Administration if everything the deceased owned was held in joint names with their husband or wife or if their only assets were Bank or Building Society Accounts that contained less than £5,000. In this case, the deceased's estate can be distributed using the rules of Intestacy immediately.

Valuation Process

The Administrators need to collect details of all the property and all the debts belonging to the deceased.

The property will include any house, car, furniture, savings, life insurance policies, personal possessions, jewellery and anything capable of being valued and of being transferred to one person to another.

The liabilities may include a mortgage, outstanding bills, etc and will also include the

funeral expenses.

For help in valuing the deceased's estate, please look at our PDF file. This file is located in the Valuation Process part of the "If there is no Will" section of the Web-Site.

Unless the deceased's estate is very simple and a Grant of Letters of Administration is not required, the Administrators should consider appointing a Solicitor for the application to the Probate Registry and for help administering the estate.

To find a Solicitor in your area of Northern Ireland who specialises in Probate work, Please go to www.lawsoc-ni.org/cgi-bin/findafirm

Application to the Probate Registry

When the valuation has been completed, the Administrators must then swear an affidavit or oath before a Solicitor.

In the oath, the Administrators must establish their entitlement to take out a Grant of Letters of Administration. They must give the value of the gross and net estate of the deceased and they must swear that they will ensure that the estate will be distributed in accordance to the law.

It will also be necessary to submit an Inland Revenue Account setting out all the assets and liabilities in the estate. However, the HMRC (HM Revenue & Customs) allows a large number of low value and other estates where no inheritance tax is payable for various reasons to be "excepted estates." In these cases, a brief return of information about the estate as a whole is all that is required.

When the oath has been completed and sworn, the application to the Probate Registry can be made for a Grant of Probate. The Executors can apply in person or instruct a Solicitor to apply on their behalf. At least seven days must have passed from the date of death to the date of the appointment at the Probate Registry.

The application must be made to the appropriate Registry. If the deceased had a fixed home in counties of Fermanagh, Londonderry or Tyrone, the application for a grant can be made at either the following addresses:

Probate Office, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

The District Probate Registry, The Courthouse, Bishop Street, Londonderry, BT48 6PY
If the deceased lived outside these three counties, the application must be made at the Belfast office.

How Long will it Take?

As each person's circumstances are different, it is difficult to predict with any certainty how long it will take to firstly obtain the Grant of Letter of Administration and to then administer the estate.

The reason why the process is slow is that it is normally not possible to collect the assets (apart from joint accounts which automatically pass to the survivor) or indeed to pay the liabilities of the estate out of the assets until a Grant has been obtained. This is because all official bodies including Banks, Building Societies, Stockbrokers and Estate Agents will want to see sight of the Grant before proceeding with any sales or transfers to the Administrators.

As a rough guide, it should take six to nine months for an estate that includes property.

Final Winding Up

Once all the assets have been collected and all the liabilities have been discharged, the net balance of the estate can be ascertained. This balance can then be distributed to the beneficiaries in accordance with the rules of intestacy.

If the estate or its administration is particularly complex and therefore taking considerable time to sort out, it may be possible for the Administrators to make interim distributions to beneficiaries before the final winding up.

When a Solicitor has been employed, they will prepare Estate Accounts setting out the full details of the administration of the estate.

The Solicitor's fee should be calculated in accordance with the Solicitors' Remuneration Order 1972. This provides that a Solicitor's remuneration for noncontentious (i.e. non-litigious) matters should be fair and reasonable having regard to the circumstances of the case. The most important factor to be taken into account is the time they actually spent. Other factors such as the complexity of the estate, the skill involved and the need for urgency will also be taken into account.

Further Information

For further information on Intestacy and obtaining Letters of Administration in Northern Ireland, please go to www.courtsni.gov.uk

Please note that information which we provide through Lasting Post is in outline for information or educational purposes only. The information is not a substitute for the professional judgment of a Solicitor, Accountant or other professional adviser. We cannot guarantee that information provided by Lasting Post will meet your individual needs, as this will very much depend on your individual circumstances. You should therefore use the information only as a starting point for your enquiries.

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