

Executives

Pre-Meeting Guide for Executors



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1 Registration of Death

A death occurring in Scotland must be registered within 8 days at the Registrar of Births, Deaths and Marriages. The death may be registered in any registration District, regardless of where in Scotland the death occurred. Contact details for Registration Offices can usually be found in the local telephone directory or online via the particular local Council website:

e.g. www.dundee.gov.uk/supportservs/registrar/

To register the death, you will need the Medical Certificate of Death (Form 11) which is normally issued by the doctor or hospital certifying the death and as much of the following information about the deceased as possible:

- Full name (if married, female's maiden name will also be required)
- Date of death
- Usual residence
- Date and place of birth
- Occupation
- Whether single, married, in a civil partnership, widowed or divorced (if married, widowed or divorced, the spouse's full name, date of birth and occupation will also be required)
- Full name and occupation of deceased's father
- Full name, including maiden name, and occupation of deceased's mother
- Name and address of family doctor

After registration, the Registrar will give the person registering the death the following:

- A white form giving contact details for the Pension Service or Department of Work and Pensions (DWP). Normally, the Registrar automatically advises the appropriate Government department of the death.
- Another white form which should be passed immediately to the

Undertaker as this is required to finalise funeral arrangements

- An abbreviated Extract Death Certificate
- If requested, a full Extract Death Certificate, which we recommend is obtained for use in the executry administration. There is a fee payable to the Registrar for each full extract and you may obtain as many extracts as you wish. Unless the estate is very small, we recommend obtaining two or three full extracts.

Thorntons can register the death if requested.

2 Funeral Arrangements

The first person to call when you wish to begin making funeral arrangements is the undertaker. However, before contacting the Undertaker, you should consider calling the deceased's Solicitor to check whether or not the deceased's Will (if any) contains funeral instructions, or whether the Solicitor holds any papers on behalf of the deceased regarding funeral arrangements or a bequest of remains for medical research or has any details of a prepaid funeral plan.

If you do not know of an undertaker or are unsure which one to use, Thorntons can recommend a reputable firm.

The undertaker will assist in the organisation of every aspect of the funeral including, if you wish, the arrangements with a minister or priest, the crematorium or cemetery, cars, flowers, intimation in the newspapers and the organisation of a reception. If a cremation is arranged, a second Death Certificate is required from a doctor. Normally the undertaker will arrange this.

If the deceased's body is left to medical science, it will be necessary to contact the Department of Anatomy of the appropriate University as soon as possible to establish whether the bequest will be accepted. Thorntons can deal with this if requested.

3 Payment of Funeral Expenses

Often a pressing concern of the family/Executors is ensuring that monies will be available to meet funeral expenses. Whilst Banks and Building Societies do generally freeze accounts when they have been notified of a death, monies can usually be released, where there are sufficient funds available, to allow payment of the Undertaker's Account.

4 Small Estates

There are certain assets, normally where their value is less than £5,000, which can be uplifted without Confirmation being obtained. The institution (i.e. the bank or other financial institution) which holds the asset will have its own rules as to the proof it requires to release the funds. Certain institutions may also have a higher financial limit in place and pay out an asset which is over £5,000 in value, subject to the completion of a form (called an "Indemnity") by the Executor or, in some cases, by the next of kin.

Where the total value of all of the individual assets of the deceased's estate does not exceed £36,000, the Sheriff Clerk's Office can advise and assist an Executor in obtaining Confirmation without the need of a solicitor. The Sheriff Clerk will not charge a fee for this service.

If you wish us to do so, Thorntons can assist in the administration of even the smallest Executries. However you should be aware of the costs of dealing with small estates can be reasonably significant in the context of the overall value of the estate.

5 Executors' First Meeting with the Solicitor

The first meeting with the solicitor normally takes place shortly after the funeral. However, if there are matters of pressing importance, for example young children left parentless, an ongoing business, cash problems or the like, then an earlier meeting may be necessary.

The first meeting may not be face to face. It can either be a meeting in our office or a video conference. For either meeting you need to look out as much of the deceased's paperwork as can be located. In particular, the following information and/or documents are useful:-

Information to Locate Before Solicitors Meeting (if possible)

- Extract Death Certificate (abbreviated and/or full) from the Registrar of Births, Deaths and Marriages (*)
- If married but no marriage certificate, then the date and place of marriage
- Details of any pensions/benefits received
- Bank books
- Bank statements
- Information about online bank accounts
- Cheque books and cheque cards
- Building society pass books
- Life insurance policies (*)
- Premium Saving Bonds (*)
- National Savings Certificates and Bonds (*)
- Stocks, Shares and Unit Trust Certificates (*)
- Dividend counterfoils
- ISA, PEP, Certificates and papers
- Insurance certificates including any house/contents and car insurance papers
- Vehicle registration documents (*)
- Any vehicle Statutory Off Road Notification (SORN) documentation (*)
- Title Deeds or property related papers such as Planning Permissions or Building Warrants (*)
- Income Tax papers
- National Insurance Number
- Any outstanding accounts or debts due by the deceased
- Credit cards
- Passport
- Firearm Certificate
- Business related documentation
- Accountant's details
- Any other papers of importance
- Details of any other online assets

If you have had your first meeting by video conference then those items marked by (*) require to be sent to Thorntons as the original documentation is required to proceed with the executry process. These original documents will be returned to you at the end of the process, all other correspondence sent to us will be electronically stored but the originals are secured destroyed in keeping with our GDPR requirements.

Please note if you are not able to identify all the appropriate paperwork then Thorntons will be able to assist you in the investigation of any missing items.

It is important to try to locate information about home and car insurances without delay as Insurers should be notified promptly of the death. Additional conditions may attach to the existing policies as a result of the death. If a vehicle is untaxed the DVLA must be advised by making a Statutory Off Road Notification (SORN).

Online assets can be especially difficult to locate. If you think that these may exist, even if you do not have access to them, it is important that you tell us so we can investigate.

At the end of the first meeting you will be able to decide whether you wish to proceed with the administration of the estate. There are essentially 3 options open to you at this stage:-

- Uplift the documentation held by Thorntons and deal with matters directly;
- Carry out your own investigation into the value of the estate and instruct Thorntons to complete the Confirmation documentation based on the information provided by you. This "Confirmation Only" process means that Thorntons will only prepare the court papers based on the information provided by you and will not ingather any assets nor provide full accounts.
- Instruct Thorntons in the full administration of the estate to include the investigation in to the estate assets and value, preparation of the Confirmation documentation, ingathering or transferring ownership of these assets, liaising with HMRC and DWP where necessary and a full accounting.

6 Anti-Money Laundering Regulations

If any of the Executors are not existing clients of Thorntons then, under UK Anti Money Laundering Regulations, we are legally obliged to verify the identity of these individuals.

Identity verification checks must be undertaken as soon as possible once we have been instructed. The quickest way for this to be done is for the Executors to provide us with certain personal details (e.g. their full names, addresses, dates of birth and, if possible, passport numbers). Thorntons will process these details via a third party supplier that specialises in providing identity verification solutions. This supplier will only use the Executors' personal details for identity verification purposes and will not hold the Executors' details for any other reason beyond this. The personal credit ratings of the Executors will be unaffected by this identity verification check.

We will also require identification documentation from the Executors as indicated in our "Acceptable ID" document (i.e. sight of a Passport or another government issued photographic ID document and a recent utility bill or other address ID document).

In cases where the Executors are existing clients of Thorntons but the administration of the estate is the firm's first instruction from them within the past 5 years then we may be required to obtain updated personal details and identification documents in order to keep our client records up to date.

7 Legal Fees

Our initial meeting to provide advice and assistance to executors carries a charge of £250 plus VAT if we are not instructed in the administration of the estate. If we are only carrying out a "Confirmation Only" process the minimum fee for this work will start from £1,500 plus VAT.

For all other Confirmation procedures it is normally our practice to submit our files to a professional firm of Law Accountants to fix a fair and reasonable fee for the work we have undertaken. This means that our file is independently reviewed and a fair charge for the work undertaken is suggested. A charge is

made for this service by the party assessing the fee and we normally anticipate that this charge will be paid from the Estate. Please note that if you do not wish this independent assessment of fees to be undertaken you should advise us as soon as possible. Once the final fee is assessed it is generally charged at the conclusion of the administration.

There are three principal factors taken into account in assessing a fee. The time spent carrying out the work, the complexity and difficulty of any issues arising and commissions on cash transactions.

It is very difficult to estimate what the final fee may be for the administration of a particular estate. Circumstances vary enormously and often an estate of low or moderate value can be more complicated than an estate of larger value. However, the following table may serve as a guide to estimated costs for the administration of estates of average complexity and size. This table is not used to calculate our fees, but is only a summary of the approximate bands assessed fees for average estates tend to fall into, based on our experience of winding up many thousands of estates.

Gross Value of Estate (£)	Estimated Cost of Administration as a % of Gross Value (Excludes VAT)
0 - 50,000	10-25% (Minimum £3000)
50,001 - 100,000	5-10%
100,001 - 150,000	5-8%
150,001 - 200,000	4-7%
200,001 - 500,000	3-6%
500,001 - 750,000	3-5%
750,001 - 1,000,000	3-4%
1,000,001 - 1,500,000	1-3%
1,500,000+	Depending on Circumstances

8 How Long Will It Take?

We are regularly asked how long will the administration of an estate take. Unfortunately, it is impossible to predict accurately the timescales to completion of any specific executry. Timing in each case depends on a

number of different factors, such as how many asset holders there are and how quickly they provide information and answer questions. A single asset holder can cause a delay by taking a long time to answer correspondence. An estate which is quite small in value but with the assets spread over a different number of organisations may, for instance, take longer to complete than a high value estate where the main assets are held by one organisation. Where there are foreign assets, there can sometimes be considerable delays because the asset holders are not familiar with Scottish procedures. However, it is often possible to complete the administration of estates within the following timescales:-

Type of Estate	Estimated Completion
Not including a house to be sold, not subject to Inheritance Tax and total value of assets less than £100,000	4 - 6 months
Total value of assets greater than £100,000 or including a house to be sold and not subject to Inheritance Tax	6 - 8 months
Larger estate (over £250,000) or subject to Inheritance Tax	9 - 15 months
Complex estate including assets requiring specialist valuations (eg. Private Company shares)	12 months upwards

Please note that the following matters may cause delays in the completion of the administration of an estate:-

- House to be sold
- Legal Rights claim
- Intestate Estate (no Will)
- Missing Beneficiaries
- Inheritance Tax Valuations
- Income Tax Aspects
- Claims by the DWP
- HMRC – Inheritance Tax Compliance check

Covid-19 – Given the disruption that the Covid-19 restrictions have had it is clear that both the Court, HMRC and DWP are now working on significantly increased timescales. Therefore the above timeframes need to be doubled to take into account these issues. Thorntons will continue to try to progress all matters as quickly as we can.

If you have any queries or require further information about any of the issues raised in this booklet, please contact us by visiting any of our offices, or using the contact details below:

03330 430150

enquiries@thorntons-law.co.uk

www.thorntons-law.co.uk



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