

Information for Entitled Relatives



Information is available in large print, audio tape and braille formats.

Who is an entitled relative?

Firstly, you need to know whether you are entitled to share in the estate. Not all blood relatives who have survived a deceased person have such an entitlement. Under the Administration of Estates Act 1925, if a person has died without leaving a will and there is no surviving spouse, anyone who is descended from a grandparent of the deceased would be entitled to share in his or her estate. If you are related by marriage (e.g. if the deceased person was your step-father or mother or your brother or sister-in-law – although your children might be entitled in the latter case) then you have **no legal entitlement** to share in that person's estate.

To help you we've drawn up a family tree in which the entitled relatives are shown in **block letters** and the non-entitled relatives in standard letters. A copy is attached to this leaflet.

Are stepbrothers and sisters entitled?

The relationship of half-brother and stepbrother (or sister) can sometimes become confused. A half-brother or sister shares a common parent with the deceased person (ie. the parent has married twice and has produced a child of each marriage) and is **entitled** to share in the estate. A stepbrother or sister does not share a common parent with the deceased person (ie. one of the deceased's parents has married someone who already has a child) and is **not entitled** to share in the estate.

What about adopted children or a deceased person who was adopted?

Anyone legally adopted has the same rights as if he or she had been born into their adoptive family. They do not retain any rights of the family into which they were born. Similarly, if a deceased person was adopted then only their adoptive family have these same rights to his or her estate, if there is no will. Legal adoptions have been possible since January 1927.

Before TSol will administer an estate, we need to ascertain that there are no entitled blood relatives, the size of the estate and whether the deceased left a valid Will.

1. Our advertisements

TSol may issue advertisements for blood relatives as part of our enquiries. These advertisements first appear on our website and then in both the national and local press. If you believe that you may be a blood relative, please write to TSol sending a simple family tree to show how you are related.

2. What happens next?

We will look at the family tree to make sure you are from the same family as the deceased and that you are an entitled relative. Then we will ask you to supply the following documents by recorded post:

- The certificates (birth and marriage) necessary to show the link.
- Two current documents of identity relating to yourself, in support of your claim. One proof of identity should show your full name and date of birth, such as a medical card, original birth certificate, passport or driving licence, whilst the other proof should bear a recent date (within the last six months) and show your name and current address, such as a utility or council tax bill, or a bank or DWP letter.
- All birth certificates submitted should be full copies showing the parents names. Photocopy certificates and proofs of identity will only suffice if a JP or solicitor has certified them to be true copies of the original.

N.B. The onus is on the claimant to satisfy us that they are entitled.

Please note that we are not able to provide detailed information about the estate, specifically the assets and liabilities until we have received and agreed your claim.

3. If I do not have all the certificates, where can I get them?

If you do not possess all of the certificates, you can obtain them from the local Registrar where the event took place or from the appropriate General Register Office. This leaflet contains details of all the central register offices in the British Isles.

4. Is there any other information you require?

When submitting your claim, it would also help if you could give us any information that you or any other family members may have regarding the deceased person's life history, for instance, their occupation, last known address etc, and say when you were last in contact with them.

5. Dealing with your claim

Once TSol has received all the necessary certificates and proofs of identity, and any personal information that you have been able to provide, your claim will be fully considered and we will inform you if it has been accepted or if we require more documents or information, such as a copy of a census return.

If you have not heard from us within 4 weeks, please contact us to check that we received your documents.

6. What happens once you have admitted (accepted) my claim?

- If your claim is admitted, TSol will write and let you know that we will give up our interest in the estate and return your certificates and proofs of identity.
- We will also ask you whether you wish to administer the estate yourself or instruct a firm of solicitors to act for you.

Genealogists

Genealogists are professional firms who specialise, amongst other things, in tracing beneficiaries of an estate. These firms have not been instructed by TSol but often make enquiries for blood relatives of a deceased following the issue of advertisements. It is entirely up to you whether you decide to use their services. TSol cannot provide you with advice regarding this.

Do all relatives need to put in a claim?

No, we only need to receive a claim from one entitled relative.

Please remember that TSol admits the first claim received, whether directly from a kin claimant or from someone authorised to act on his or her behalf, which is supported by enough evidence to satisfy us that the claimant is entitled to, or to share in, the deceased person's estate in priority to the Crown. If you are in any doubt, you may wish to consult a Citizen's Advice Bureau, local law centre or a solicitor.

My relative died 10 years ago; can I still claim a share of their estate?

Yes, an action to claim an estate is barred under the provisions of the Limitation Act 1980, after **12 years** from the date of death. Interest will be paid, therefore, if a claim is received (but not necessarily processed) during the 12 year period.

If we have completed the administration of the estate, we will send you an estate account once we have received a copy of your Grant of Letters of Administration to the estate. Please check the account carefully before you approve and sign it. Once you have signed the account, you have agreed to what we have done.

If a claim is received after the end of the 12 year period but within 30 years of the date of death, we will be prepared to account for the residue as a matter of discretion but only on the understanding that we will not pay interest on this amount.

If a claim is received after 30 years have elapsed, we will decline to consider it.

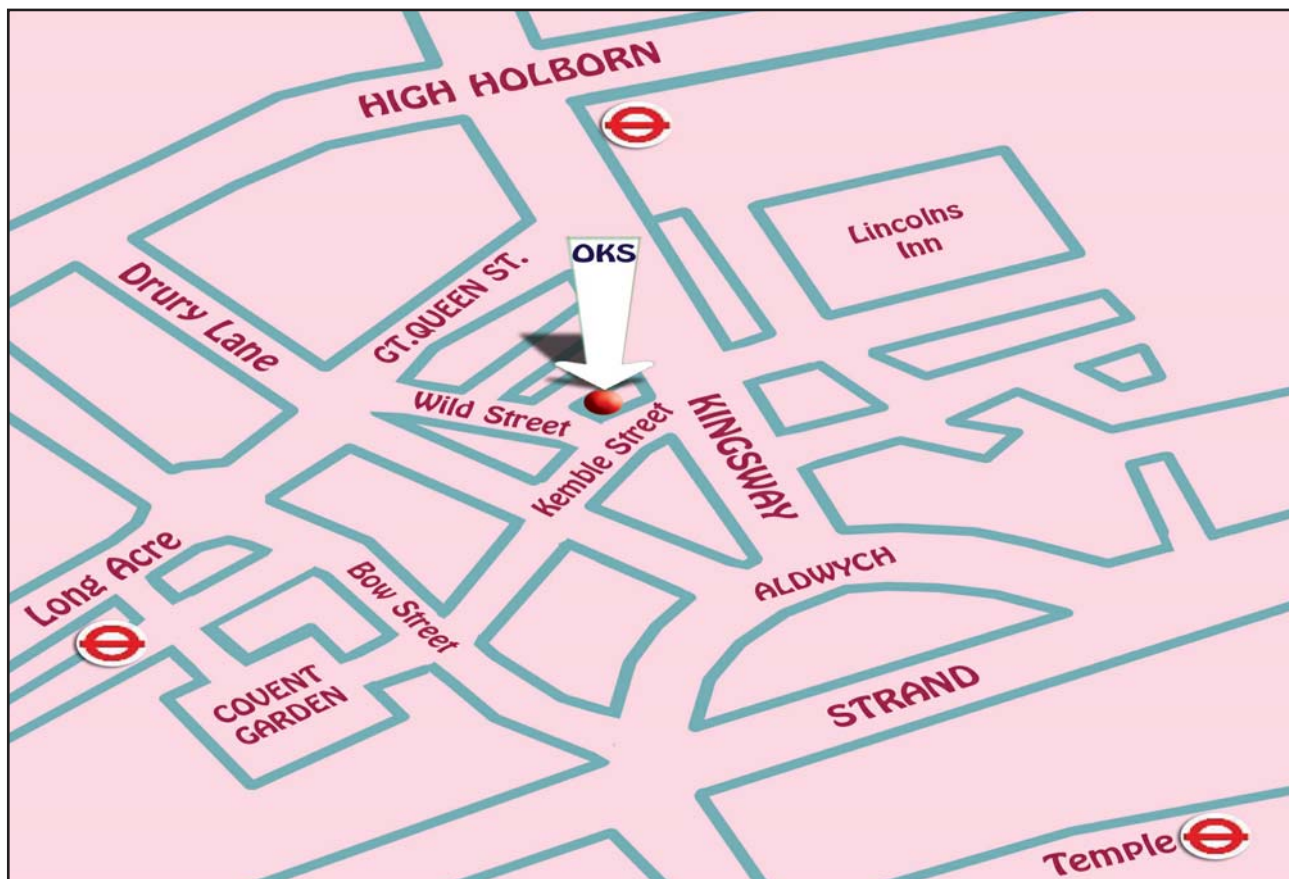
Getting in touch

We hope that the information in this leaflet is helpful.
If you need any more information you can visit our website:–
www.bonavacantia.gov.uk

or you can contact us at:–

TSol (BV)
One Kemble Street
London
WC2B 4TS

Call us: 0207 210 3116 or 3117
Fax us: 0207 210 3104
E-mail us: bvinfo@tsol.gsi.gov.uk



Money Laundering

In accordance with good practice, and with the aim of preventing money laundering, the Treasury Solicitor (as the Crown's Nominee for dealing with assets that vest in the Crown as bona vacantia) operates in accordance with the principles laid down in Part VII of the Proceeds of Crime Act 2002 ("the Act") and the Money Laundering Regulations 2003 ("the Regulations").

For that reason, the Treasury Solicitor makes such enquiries as are deemed necessary to comply with the Act and the Regulations, including obtaining evidence of identity from those with whom we do business and retaining such evidence in accordance with our record-keeping procedure.

Useful addresses

1. England & Wales

Registrar General
General Register Office
Myddelton Place
Myddelton Street
London EC1R 1UW

2. Scotland

Registrar General
General Registration Section
General Register Office for Scotland
New Register House
Edinburgh EH1 3YT

3. Registrations for Northern Ireland

Registrar General for Northern Ireland
Oxford House
49-55, Chichester Street
Belfast BT1 4HL

4. Registrations for the Republic of Ireland and those in Northern Ireland before 1922

An tArd-Chlaraitheoir
Oifig an Ard-Chlaraitheora
Government Offices
Convent Road
Roscommon, Eire

RELATIVES ENTITLED TO SHARE IN AN INTESTATE ESTATE

