

Your Legal Questions

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Q. What will happen if I don't have a Will?

A. If you die without a Will, i.e. intestate, there are legal provisions known as the "Intestacy Rules" which set out who has the legal right to deal with your affairs and who is entitled to benefit.

Generally, if a person who has died ("the Intestate") is married their surviving husband/wife will automatically be entitled to their personal belongings (known as "chattels") but will not necessarily be entitled to all of the remaining assets. The law states that if there are children the widow(er) will be entitled to further assets up to a limit of £250,000. If the estate is greater than £250,000 then the surplus will be divided between the widow(er) and the children and held on specified trusts. Even if there are no children the surviving widow(er) will not necessarily be entitled to everything. Where the intestate has parents or brothers and sisters still living then the widow(er) is entitled to an increased limit of £450,000, any surplus has to be shared with these relatives.

If Intestate was not married (which would include anyone who was once married but is divorced at the date of their death) then the estate will pass in the following manner:

- * Equally between any children, or if none
- * Equally between any surviving parents, or if none
- * Equally between any brothers and sisters, or if none
- * Equally between any Grandparents, or if none
- * Equally between any aunts and uncles, or if none
- * To the Crown

In the case of children, siblings, aunts and uncles who have died before the Intestate their children will inherit the share that would have been due to their parent.

This is a simple summary of the Intestacy Rules which are complex and best avoided by making a Will.

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