

# Guidance Notes for Probate Application Form PA1

These notes will help you to complete the parts of form PA1 marked \*

## Section A

- A1** Please enclose the original will and any codicils with your application (**not** a photocopy).
- A6** Please state the names of any executors named in the will who are not applying for the Grant of Probate and show one of the following reasons for this:-
- A The executor died before the deceased.
  - B The executor died after the deceased.
  - C The executor does not wish to apply for probate now but wishes to reserve the right to act as executor in the future if necessary – this option is referred to as having “power reserved”.
  - D The executor does not wish to apply for probate at all. This is referred to as “renouncing”. It means that they give up all their rights to act as executor.
  - E The executor wants to appoint another person to act as their attorney to take the Grant of Representation out on their behalf. Please note, however, that the attorney of one executor cannot take a grant jointly with an executor acting in his own right.

If you give reason D or E, please send a letter signed by the executor stating their intention when you send the application to the Probate Registry. If option C, D, or E is stated the Probate Registry will, on receipt of your application, send you a form for the executor(s) to sign to confirm their intention. You should arrange for this to be completed and then return it to the Probate Registry as instructed.

Example for A6

**A will appoints three executors – Brian Jones, Valerie Jones and Frank Smith. Brian Jones wishes to apply for the grant, Frank Smith dies before the deceased and Valerie Jones does not wish to apply for the grant at present, as she works full time and cannot attend the appointment. Valerie wishes to keep her options open however, just in case it becomes necessary for her to take out a Grant of Probate in future e.g. if Brian Jones dies before he has completed the administration. The form would be completed as follows:**

<b>Frank Smith</b>	<b>A</b>
<b>Valerie Jones</b>	<b>C</b>

**The Grant of Probate will issue to Brian Jones with “power reserved” to Valerie Jones. Valerie Jones will be asked to sign a “power reserved” form.**

## Section B

**Sections B1 - B4 must be completed in all cases. Sections B5 - B6 only needs to be completed if the deceased had no relatives in Sections B1 - B4.**

**Note:**

- This section refers to blood/legally adopted relatives only; details of step relatives are not required.
- The term “survived” means the person was alive when the deceased died.
- If the deceased had any half brothers or sisters/uncles/aunts (i.e. only one parent in common), please indicate this on the form.
- A civil partnership is defined as one between two people of the same sex which has been registered in accordance with the Civil Partnership Act 2004.

### **B2(c), B4(c) and B6(c)**

B2(c) – Only include children of sons or daughters of the deceased entered in B2(b), where the children have survived the deceased.

B4(c) – Only include children of brothers or sisters of the deceased entered in B4(b), where the children have survived the deceased.

B6(c) – Only include children of uncles or aunts of the deceased entered in B6(b), where the children have survived the deceased.

## Section C

If you are applying on behalf of the person entitled to the grant (i.e. as their attorney), you should send a letter signed by them confirming that they want you to apply with your application. If the person entitled to the grant has already signed an Enduring Power of Attorney (EPA), or a Property and financial affairs Lasting Power of Attorney (LPA) please send the original document to us. An LPA must be registered with the Office of the Public Guardian before it can be used. If the donor of the EPA or LPA is unable to make a decision for him/herself due to an impairment of or a disturbance in the functioning of the mind or brain (i.e. lacks capacity under the Mental Capacity Act (MCA) 2005) please contact us.

## Section D

**D1 - D2** Please state the full **true** name of the deceased. The true name usually consists of the forenames as shown on the person's birth certificate and the surname as shown on the death certificate. If this is not the case please contact us.

**D3 - D4** If the deceased had any assets in any name(s) other than their true name these should be stated. You do not need to show here any assets held jointly with another person.

Example for D1 - D4:

Name on birth certificate	Emma Louise <b>Jones</b>
Name on death certificate	Emma Louise <b>Smith</b>

The deceased's true name is Emma Louise Smith.

The deceased had a bank account in the name of Louise Smith and was commonly known by this name. The form should be completed as follows:

Forenames	<b>Emma Louise</b>
Surname	Smith
Did the deceased hold any assets (excluding joint assets) in another name?	Yes
If yes, what are the assets?	Lloyds Bank Account
And in what name(s) are they held?	<b>Louise</b> Smith

The grant will issue in the name of "Emma Louise Smith otherwise known as Louise Smith".

**D8** The domicile of the deceased at the date of their death must be established in each case. Generally a person is domiciled in the country which they consider to be their permanent home. However they may be domiciled in a country without having a permanent home there. If you are unsure what this means you should contact your local registry. You may need to seek legal advice regarding this.

**D9** You do not initially need to supply a copy of the Decree Absolute, decree of dissolution of civil partnership or decree of Judicial Separation if the deceased left a will. However we may ask to see it later if necessary. You can obtain an official copy of these documents from the court that issued them or from Principal Registry of the Family Division, 42-49 High Holborn, London WC1V 6NP.

**D10 - D11** If the deceased did **not** leave a will and the applicant for the grant is the adoptor/adoptee of the deceased, please file a copy of the entry in the Adopted Children's Register. An official copy of the entry in the Adopted Children's Register can be obtained from The General Register Office, Adoption Section, Smedley Hydro, Trafalgar Road, Birkdale, Southport PR8 2HH.

**If you have any general enquiries,  
please telephone the Probate and Inheritance Tax Helpline  
Telephone number: 0845 3020900**