



## PERSONAL REPRESENTATIVE'S GUIDE

### WHAT ARE PERSONAL REPRESENTATIVES?

They are either:

- the people named by someone in a Will to act as his/her **Executors** and administer the estate; or
- if no Will was left, the next of kin of the deceased are usually appointed to administer the estate. They are known as **Administrators**.

There are usually two Personal Representatives (PRs) but one can act alone and a maximum of four may act together.

### WHAT DO PRs DO?

It is their job:

- to find out the value of the deceased's property and possessions (the **estate**);
- to pay, from the money in the estate, any Inheritance Tax and any debts the deceased left unpaid (this may involve selling some items to raise cash);
- to distribute what is left to those entitled to it (the **Beneficiaries**).

### HOW LONG DOES THIS TAKE?

The process of winding up an estate can be completed quite quickly - in a matter of months - if the Will is clear, if there is not much property involved, and the whereabouts of those entitled to it are known. It can take much longer if, for example, beneficiaries cannot be traced, if a house has to be sold but a buyer cannot be found, or if there are tax questions to resolve.

### GRANT OF REPRESENTATION

Unless the estate is very small (say under £5,000) most PRs will need to obtain a **Grant of Representation** from the Probate Registry. Where the PRs have a Solicitor, the application is made by post. The Grant is a document produced by the Probate Registry which shows to those concerned that money and other items previously belonging to the deceased can safely be handed over to the PRs. The application for Probate involves swearing an oath and paying a fee to the Registry. When we act for the PRs, we will deal with all the paperwork. The Grant an Executor gets is called a **Grant of Probate** and an administrator's grant is called **Letters of Administration**.

## MUST PRs ACT IF THEY ARE APPOINTED?

No, they always have the choice. Choosing not to act is called **renouncing**. Once a PR has begun to administer an estate, he/she cannot drop out unless there is a very good reason, such as ill health.

## WHAT DOES IT COST TO BE A PR?

All PRs are entitled to get a solicitor's help and for the costs to be paid from the money in the estate.

## IS IT A HEAVY RESPONSIBILITY?

Yes. The law takes the view that it is a very serious matter so there are many legal requirements, particularly as PRs often have control over large sums of other people's money. The law is designed to ensure that beneficiaries are protected if PRs are dishonest or careless. At Stone Rowe Brewer LLP, we are always glad to assist and deal with the administration of an estate and to comply with all the legal requirements.

## WHAT ARE THE MAIN DUTIES?

- PRs are expected to put the interests of the beneficiaries before their own interests
- always to act in the interests of the estate, rather than themselves
- also they must not make a profit from their position unless authorised
- they must scrupulously account to the beneficiaries for all money passing through their hands
- their task should be carried out "with due diligence"
- they should act reasonably and prudently in relation to the estate property
- PRs who act wrongly may have to pay compensation out of their own money

## WHAT INFORMATION WILL I NEED?

You will need to sort through the deceased's papers. We can do this for you if you wish. We will need such things as cheque books, bank statements, passbooks, share certificates, deeds, credit cards, and bills - in short, all the documents that will help to establish how much money is in the estate.

## WHY YOU SHOULD COME TO STONE ROWE BREWER LLP

At Stone Rowe Brewer LLP we have a specialist department which deals with the administration of estates and trusts. We will gladly assist you with this very important task. We will also be glad to act as PRs for you which you can arrange by appointing us to act in this way in your Will.

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