

What does Intestate mean?

The intestacy rules in a simplified form

Entitlement to the estate of a deceased person who was domiciled in England & Wales, and who did not leave a valid will

This chart is not intended to be a definitive statement of the law covering every set of circumstances, nor is it legal advice.

<p>Deceased person dies leaving these relatives:</p> <p>Where relatives are shown in bold refer to explanatory note 2</p>	<p>After the payment of funeral expenses, tax and all other debts owed by the deceased, the rest of the estate goes to:</p> <p>Where relatives are shown in bold refer to explanatory note 2</p>
<p>A spouse or civil partner, but no children or parents or brothers or sisters of the whole blood*</p>	<p>Everything to spouse/civil partner</p>
<p>A spouse or civil partner and children</p>	<p>For dates of death after 1 February 2009</p> <p>1. Where the net estate is not more than £250,000 – Everything to spouse/ civil partner</p> <p>2. Where the net estate is over £250,000 – the first £250,000 plus personal possessions to the spouse/civil partner</p> <p>Half of the rest is shared equally amongst the children.</p> <p>The spouse/civil partner gets the income or interest on the other half during his/her lifetime, and when the spouse or civil partner</p>

	dies, the capital goes to the deceased's children equally.
A spouse or civil partner (but no children), and either parents, or brothers or sisters of the whole blood .	<p>For dates of death after 1 February 2009</p> <p>1. Where the net estate is not more than £450,000 (for dates of death after 1 February 2009) – Everything to spouse/ civil partner</p> <p>2. Where the net estate is over £450,000 for dates of death after 1 February 2009 – £450,000, plus half of the rest, plus personal possessions to spouse/ civil partner.</p> <p>The other half to the deceased's parents equally; but if no parents, then to brothers and sisters of the whole blood in equal shares.</p>
Children , but no spouse or civil partner	Everything to children in equal shares
Parent(s), but no spouse or civil partner, or children	Everything to parents in equal shares.
Brother(s) or sister(s) , but no spouse or civil partner, or children or parents	<p>Everything to brothers and sisters of the whole blood equally.</p> <p>If there are no brothers or sisters of the whole blood, then to brothers and sisters of the half blood equally.</p>
Grandparent(s), but no spouse or civil partner, or children , or parents, or brothers or sisters	Everything to grandparents equally.
Uncle(s), Aunt(s) , but no spouse or civil partner, or children or parents, or brothers or sisters or grandparents	<p>Everything to uncles and aunts of the whole blood equally.</p> <p>If there are no uncles or aunts of the whole blood, then to uncles or aunts of the half blood equally.</p>
No spouse or civil partner and no relatives in any of the categories shown above	Everything to the Crown

Explanatory notes:

1. Explanation of terms used in the chart:

Words used in everyday language, often have different meanings in the legal sense. The following explanations are intended as a guide rather than strict legal definitions of the words used in this document

- A **spouse** is a person who was legally married to the deceased when he or she died.
- A **civil partner** is someone who was in a **registered civil partnership** with the deceased when he or she died. It does **not** include people simply living together as unmarried partners or as ‘common law husband and wife’.
- The term **children** includes children born in or out of wedlock and legally adopted children; it also includes adult sons and daughters. It does not, however, include step-children.
- Brothers and sisters of the **whole blood** have the same mother and father. Brothers and sisters of the **half blood** (more commonly referred to as “half-brothers” or “half-sisters”) have just one parent in common.
- Uncles and aunts of the **whole blood** are brothers and sisters of the **whole blood** of the deceased’s father or mother.
- Uncles and aunts of the **half blood** are brothers and sisters of the **half blood** of the deceased’s father or mother.
- **Domicile** is the country or state whose laws apply to you. Usually, this is the law of the place where you were born (your “domicile of origin”), but your domicile can change if you move to another country with the intention of staying there permanently.

2. If any of the deceased’s children die before him or her, and leave children of their own, (that is grandchildren of the deceased), then those grandchildren between them take the share that their mother or father would have taken if he or she had still been alive. This also applies to brothers and sisters, and uncles and aunts of the deceased who have children - if any of them dies before the deceased, the share that he or she would have had if he or she were still alive, goes to his or her children between them.

The principle applies through successive generations – for example, a **great grandchild** will take a share of the estate if his father and his grandfather (who were respectively the grandson and son of the deceased) both died before the deceased.