

Intestacy rules guide.

When a person dies without having left a valid will, he or she is said to have died "intestate". The law sets out the rules which apply in that situation.

This is a simple guide only. There may be exceptions to the general rule which are not set out. Appropriate professional advice should be taken before acting on any understanding of the law as set out in this publication.

Married person with children

Spouse gets everything up to *£225,000 and personal possessions.

Anything remaining is divided into two:-

Half to the children at 18 or earlier marriage.

Half in trust during spouse's lifetime - he or she gets the income. On spouse's death, this half goes to the children.

If a child predeceases, leaving issue, his issue will take his share between them.

Married person, no children

If there are parents, brothers or sisters of the whole blood, nephew or nieces:-

Spouse gets everything up to *£450,000 & personal possessions.

Anything remaining is divided into two:-

Half of this goes to spouse

Half to parents. If no parent is living then it goes to brothers or sisters or their children.

Married person, no parents, brothers or sisters of the whole blood, nephew or nieces

Spouse takes whole estate.

Unmarried person with children

Estate goes to children at 18 or earlier marriage.

If a child predeceases, leaving issue, his issue takes per stirpes.

Unmarried person with no children

Estate goes to parents.

If none, then to siblings of the whole blood or their issue.

If none, then to siblings of the half blood or their issue.

If none, then to grandparents.

If none, then to uncles and aunts of the whole blood or their issue.

If none, then to uncles and aunts of the half blood or their issue.

If there are no parents, siblings (whole or half blood), issue of siblings, grandparents, uncles and aunts (whole or half blood), or issue of uncles or aunts, estate goes to the Crown (or to the Duchy of Lancaster or the Duke of Cornwall).

*Note that these figures have changed over the years. If considering rules in relation to a death which has already occurred, the figure in force at the date of that death must be used. The figures shown apply for deaths on or after 1st February 2009. From 1st December 1993 to 1st February 2009 the figures were £125,000 and £200,000 respectively. Before 1st December 1993 the figures were £75,000 and £125,000 respectively.