



After someone close to you has died there may be many decisions and arrangements to be made. Sadly, these arrangements have to be made at a time of personal distress when you might feel least like dealing with them. This factsheet aims to help guide you through the necessary steps.

The Scottish Government has produced a guide called "*What to Do after a Death in Scotland: Practical Advice for Times of Bereavement.*" This comprehensive and practical booklet is available from Registrar's offices or Social Security offices, or can be downloaded from [www.scotland.gov.uk/Resource/0038/00386827.pdf](http://www.scotland.gov.uk/Resource/0038/00386827.pdf)

### Registering a Death

Normally the Doctor who confirms that the person has died will provide you with a medical certificate (called a Form 11) stating the cause or causes of death. If the death is unexpected and a post-mortem examination is asked for the medical certificate will not be issued until this examination is complete. If there is to be a cremation you should tell this to the doctor signing the Form 11 as he or she will need to complete the cremation certificate and have that countersigned by another doctor to indicate that there are no medical reasons why the body should not be cremated.

All deaths that occur in Scotland must be registered within eight days by the Registrar of Births, Deaths and Marriages. You can now do this at any registry office

in Scotland, even if this is not where the person lived or died.

Anyone can register a death; you do not have to be a relative, although it is best that it should be someone who knew the person who has died in case the registrar has any questions regarding the exact spellings of names and so on as many older documents were handwritten and are not always completely legible.

You will normally need to take the medical certificate issued by the doctor who certified the death with you in order to fully register the death. It can also be helpful to take along the deceased's birth and marriage certificate as well as their NHS medical card and any documents relating to the receipt of a social security benefit or pension.

If any of these latter documents are not available, the registrar can still proceed to register the death. There is no need to worry if all of these documents are not available.

When the registration is complete, the registrar will provide you with the following paperwork, at no cost:

- A Certificate of Registration of Death (Form 14); the funeral director will need this to arrange the funeral.
- A Form 334/SI Social Security registration or notification of death certificate for use in obtaining or adjusting Social Security benefits.

**MND Scotland is the only charity funding research and providing care and information for those affected by MND in Scotland.**

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On payment of a fee, you can also be supplied with an *abbreviated* extract of the entry recorded in the Register of Deaths. Some companies will accept a photocopy; others will want to see an original extract, so you may need more than one copy of this to get information about insurances, savings and so on. Similarly, for a larger fee, you can also obtain a full extract of the entry which would list details of parents and the cause of death.

### Arranging a Funeral

A funeral can be either by burial or by cremation. Normally, it is arranged by the executor or administrator of a will, or the nearest relative. In some cases, the person who has died may have made plans or expressed a list of wishes for his or her funeral. This may make some of the decisions that need to be made easier to deal with.

Many people choose to use a professional funeral director since they are knowledgeable and experienced in this area and can help at what is generally a stressful time.

If you are using a funeral director they can help you with decisions such as:

- where the body should rest before the funeral;
- time and place of the funeral (though this can only be finalised once the death is registered);
- type of service (religious or other) and who will conduct it/contribute;
- how much to spend on the funeral;
- whether to have flowers or donate money to a chosen charity instead;
- where to donate flowers after the funeral;
- invitations; and,
- notices in the newspapers.

Friends or family may be able to recommend local funeral directors. Most local companies are also listed in the telephone directory.

Most funeral directors in Scotland are members of the National Association of Funeral Directors (NAFD). Members of this association must provide you with a price list on request and cannot exceed any written estimate they have previously given you without your permission.

You can also arrange a funeral without the help of a funeral director. If you wish to do this, you will need to contact the Cemeteries and Crematorium Department of your local authority for advice and guidance.

### Wills

Normally, you will be aware if the person who has died has made a will or not. The deceased's solicitor or bank may have a copy if you cannot find one in their home.

If the person who died did not leave a will, a decision must be made about who should be appointed as executor to wind up their affairs; usually this is one or more of their nearest relatives, although others can be appointed.

If there is a will, then the person named in it as the executor should be contacted as it is their duty to carry out the instructions detailed in the will. Sometimes a named executor may be unable, or unwilling, to undertake the necessary duties in which case the local Sheriff Court can appoint one or more substitutes,

In Scotland, if the person who died left an estate worth less than £5,000 it might be possible to wind up the estate without any legal formalities. This is true, particularly, when everything has been jointly owned with someone else and everything passes automatically to the surviving partner.

If the estate is valued at £5001 or above (2009/2010), or there are shares or property included in an estate worth less than £5,000, the executor will need to apply for a 'grant of confirmation' which allows him or her to manage and ingather the estate of the person who has died. See the section below on "**Confirmation and Inheritance Tax.**"

### **Making A New Will for Yourself**

It is important to consider the impact that the death of someone close to you will have on any will that you have already made. Your circumstances may mean that you need to change the details in your will or make a new one to reflect this change. It is important to ask a solicitor about this.

### **Dealing with Existing Benefits**

When a death is registered in Scotland, the registrar provides a Social Security registration, or notification of death certificate, (Form 334/SI). The registrar will complete the information required on the front and you should complete the reverse. You should take or post the form to your local Jobcentre-Plus office as soon as possible in order to prevent any benefits or pensions being overpaid to the person who has died. You can find the address of your nearest office in your local telephone directory or by looking on the Department of Work and Pensions website, [www.dwp.gov.uk/contact/](http://www.dwp.gov.uk/contact/).

In addition to completing the above form, you may also wish to telephone the Disability Benefits Helpline on 08457 123 456 or the Pension Service Helpline on 0845 60 60 265 to notify them of the change of circumstances. This will allow the information to be recorded more quickly, but you will still need to send away the 334/SI form.

If you require any additional help our Welfare & Benefits Officer may be able to assist you.

### **Contacting Others**

As well as informing people who are close to the person who has died, such as friends and relatives, you may also need to contact businesses to close bank or credit accounts, cancel or change insurance details, subscriptions, finance agreements, payments or direct debits.

Where relevant, you should inform any of the following if the person was involved with them in an on-going way:

#### **Local contacts**

- Medical and Allied Health Professionals such as your GP, District Nurse, OT, MND Care Team Specialist/MND Scotland
- Dentist
- School/College/University
- Solicitor/Accountant
- Church/Regular place of worship
- Social groups

#### **Government organisations**

- The relevant Tax Office
- National Insurance Contributions Office, if the person was self-employed (to cancel payments)
- Child Benefit Office (at latest within eight weeks if relevant)
- Local authority, if they paid Council Tax, had a parking permit, were issued with a Blue Badge for disabled parking, or received social work or home care help, attended day care or similar
- UK Identity and Passport Service, to return and cancel a passport, (cut the top right hand corners off to cancel the passport before posting it.)
- DVLA, to return any driving licence, cancel car tax or return car

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registration documents/change ownership

- Debtors - anyone who owed the deceased money

### Financial organisations

- General insurance companies - contents, car, travel, medical etc. *If the person who has died was the first named on a joint insurance policy, make contact as early as possible to check that you are still insured.*
- Any other company with which the person who has died may have had rental, hire purchase or loan agreements
- Pension providers/Life insurance companies
- Banks and building societies
- Mortgage provider
- Hire purchase or loan companies
- Credit card providers/store cards

### Utilities and household contacts

- Landlord or local authority, if the deceased rented a property
- Any private organisation/agency providing home help
- Utility companies, if accounts were in the name of the person who has died
- Royal Mail, if mail needs to be re-directed
- TV/internet companies, to cancel or amend subscriptions
- TV Licensing, to cancel or amend the TV Licence

### Other useful contacts

- Bereavement Register and Deceased Preference Service to remove the person's name from mailing lists and databases - an application form can be obtained from the registrar and is normally included with the death certificate pack.
- Clubs, trade unions, associations with seasonal membership, for cancellation and refunds
- Creditors - anyone to whom the deceased owed money

### Winding-Up an Estate

An estate cannot be wound-up in Scotland for at least 6 months to allow time for any debts of the estate to surface and it is usual for any bank accounts of the deceased to be frozen during this time. Check with the bank or building society to make sure that any essential payments continue to be made while the estate is wound up, for example mortgage, rent, direct debit electricity or gas payments and so on. It might be necessary, depending on your circumstances, to open a new bank account and sign new mandates for direct debits or standing orders that need to continue.

### Confirmation and Inheritance Tax:

The exact procedures involved in winding up an estate vary according to the value of the estate.

In order to release the financial assets of someone who has lived and died in Scotland and has an estate valued over £5,000 (the 2009 threshold) it is necessary to make an application through the clerk to the Sheriff Court (Sheriff Clerk) local to where the person lived for a grant of "Confirmation of Executors," usually just referred to as "Confirmation". Edinburgh Sheriff Court has a special "Commissary Office" to deal with applications relating to estates within their area and estates of Scots with assets in Scotland, but who normally lived abroad.

At 2009 values, if an estate is valued at more than £5,000 but less than £30,000 it is considered to be a small estate and the Sheriff Clerk can help you complete the process there and then; if the estate is valued at over £30,000 an application form and inventory of the person's estate must be completed without help from the

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Sheriff Clerk. If you are in doubt use the form in the appendix to this factsheet to make a preliminary assessment and seek advice from the Sheriff Clerk.

Inheritance tax is complicated, but when one member of a married couple dies and leaves the whole, or part, of their estate to their spouse or civil partner then that part is exempt from inheritance tax. The tax will be applied when the surviving spouse dies. The estate will only owe Inheritance Tax if its total financial value is over the threshold (£325,000 in 2009-10). If enough goes to your spouse/civil partner to bring the estate below that value the tax won't be levied. Any legacy you leave to a charity is also exempt from taxation and could be used as an additional device to bring your estate below the threshold for inheritance tax.

If the estate values at £5001 or above you should complete what is known as a "C1 Form," this can be downloaded from [www.hmrc.gov.uk/cto/forms/c1\\_2\\_lined.pdf](http://www.hmrc.gov.uk/cto/forms/c1_2_lined.pdf)

If you are certain the value of the estate is less than £30,000 the "C1" "Confirmation and Inventory" form should be accompanied by a "C5, "Information about Small Estates," form. This form can be downloaded at [www.hmrc.gov.uk/cto/forms/c5-2006-2.pdf](http://www.hmrc.gov.uk/cto/forms/c5-2006-2.pdf)

If the above links do not work you can get to the forms via the HM Revenue and Customs website <http://search2.hmrc.gov.uk/kb5/hmrc/forms/home.page>

These forms can also be obtained from:  
HM Revenue & Customs: Inheritance Tax,  
Meldrum House, 15 Drumsheugh Gardens,  
Edinburgh, EH3 7UG,  
Tel: 0845 30 20 900, Fax: 0845 234 1010,  
**Helpline: 0845 30 20 900**

It is important that you read and understand the notes that go with the C5 form since this form is designed to find out if any tax is due from certain actions as long as seven years ago.

If the estate is valued at less than £30,000 before any debts owed by the estate are deducted the Sheriff Clerk at your local Sheriff Court will help you to complete and deal with the application for a "Grant of Confirmation."

If the estate is valued at more than £30,000 the Sheriff Clerk will not help you at all and you will either need to complete the forms yourself or engage a solicitor to do so.

On completion the forms are sent to the local Sheriff Clerk's office (or the Commissary Office for those who lived in the Edinburgh Sheriff Court area,) The Sheriff Clerk will then forward the forms to HM Revenue & Customs for assessment for inheritance tax liability. Additional information and advice, including the fees chargeable by the court, are available from the Scottish Courts website <http://www.scotcourts.gov.uk>

HMRC will either agree there should be no inheritance tax if the estate is going to a spouse or civil partner or is valued at less than £30,000 (2009 values); or they will give a statement of the tax to be paid once confirmation has been granted.

The executor will eventually receive a certificate in respect of each of the items in the inventory allowing the executors to "in-gather" each item for distribution according to the person's will, or Scots law if there is no will, and a statement of the Inheritance tax that is due, or not, depending on circumstances.

See the file "Sheriff Courts 2009" on our website for a list of local Sheriff Courts

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and you can use the appendix to this factsheet if you want to ask the Sheriff Clerk for a grant of confirmation on an estate of between £5,000 and £30,000.

If the deceased owns assets outside of Scotland or normally lived outside of Scotland there are other procedures that need to be followed. General advice on what to do in these circumstances is available on the HMRC website. Detailed specific information is obtainable from the standard Scots Law textbook "Currie, on

Confirmation of Executors" – published by Greens Practice Library and edited by James G. Currie and Eilidh M. Scobbie. The detailed advice contained in this text needs to be moderated by checking for updates to the law since the last edition was published to see what additional requirements are now in place. As a generalism; if you need to consult "Currie" it would probably be better to engage a solicitor to deal with the executry.

### Sources of Support and Further Information

#### **MND Scotland Welfare & Benefits Officer,**

76 Firhill Road, Glasgow, G20 7BA,

Telephone No: 0141 945 1077

Website: [www.mndscotland.org.uk](http://www.mndscotland.org.uk)

#### **General Register Office for Scotland**

New Register House, 3 West Register Street, Edinburgh, EH1 3YT

Telephone No: 0131 334 0380

Website: [www.gro-scotland.gov.uk](http://www.gro-scotland.gov.uk)

#### **National Association of Funeral Directors**

618 Warwick Road, Solihull, West Midlands, B91 1AA

Telephone No: 0845 230 1343

#### **Disability Benefits Helpline**

Telephone No: 08457 123 456, Website: [www.disabilitybenefits.co.uk](http://www.disabilitybenefits.co.uk)

**Direct Gov Website:** [www.direct.gov.uk/](http://www.direct.gov.uk/)

**Department of Work and Pensions Website:** [www.dwp.gov.uk/contact/](http://www.dwp.gov.uk/contact/).

**What to do after a death in Scotland**, Scottish Government Booklet, Available from Registrar's offices, Jobcentre Plus offices or to download at:

[www.scotland.gov.uk/Resource/0038/00386827.pdf](http://www.scotland.gov.uk/Resource/0038/00386827.pdf)

**Form C1 Confirmation and Inventory**, can be downloaded from [www.hmrc.gov.uk/cto/forms/c1\\_2\\_lined.pdf](http://www.hmrc.gov.uk/cto/forms/c1_2_lined.pdf)

**Form C5, "Information about Small Estates**, can be downloaded at [www.hmrc.gov.uk/cto/forms/c5-2006-2.pdf](http://www.hmrc.gov.uk/cto/forms/c5-2006-2.pdf)

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If the above links do not work you can get to the forms via the **HM Revenue and Customs website** [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

These forms can also be obtained from: **HM Revenue & Customs: Inheritance Tax, Meldrum House, 15 Drumsheugh Gardens, Edinburgh, EH3 7UG, Tel: 0845 30 20 900, Fax: 0845 234 1010, Helpline: 0845 30 20 900**

The fees chargeable by the court are available from the **Scottish Courts website** <http://www.scotcourts.gov.uk>

### Further Reading:

<b>Factsheet 7</b>	Bereavement and Children
<b>Factsheet 13</b>	Coping after Bereavement
<b>Factsheet 46</b>	Bereavement Benefits

## Appendix: Scottish Sheriff Courts Small Estates Checklist

### CHECKLIST FOR APPLICANTS

This checklist may help you remember what to bring to Court. It will help the staff complete the application form, but it is not essential.

<b>Details of deceased</b> (Please bring death certificate)			
Name (Full name, not initials)			
Address:			
Occupation:			
Place of death:			
Date of death:			
<b>Details of executor(s)</b>			
Full name of you, the applicant or executor:			
Your full address:			
<b>Details of the will, relatives, etc.</b>			
Did the deceased leave a Will?	Yes	No	(Delete as applicable)
If Yes, please bring the original Will and any other relevant papers			
If No, please answer the following questions:			
At time of death, was the deceased: (Delete as applicable)	Single	Married	Civil Partner
	Widowed	Divorced	Dissolved Civil Partner
How many children survived the deceased?			
Did the deceased have any brothers or sisters who are alive?			
Was the deceased's Father dead?			
Was the deceased's Mother dead?			

The information in this leaflet is believed to be accurate at the time of production, This leaflet should be regarded only as general background information.

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## Appendix: Scottish Sheriff Courts Small Estates Checklist

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### Details of the Estate - Wherever situated

Please bring bank books, building society pass books, insurance policies and any other relevant documents **with all interest and bonuses marked up to the date of death**

Did the deceased leave any heritable property (such as a house or land) ?	Yes	No	(Delete as applicable)
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If yes, please give full details and value.

### Cash in the deceased's possession or in the house

### Furniture (estimated value)

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## Appendix: Scottish Sheriff Courts Small Estates Checklist

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<b>Money in banks, building societies etc.</b>		
Insert the name of bank, account number and full amount including interest to the date of death		
Name and address of Bank/Building Society	Account reference No	Amount
<b>Insurance policies</b>		
Insert the name of the company and the policy number with the value including any bonuses		
Name and address of insurance company	Policy number	Value of policy

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## Appendix: Scottish Sheriff Courts Small Estates Checklist

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**Any other item of estate.**

Give details of any other item of estate left by or due to the deceased that is not covered elsewhere, such as wages, superannuation, old age pension, Premium Bonds, savings certificates, shares.

**Gifts and income from a Trust.**

Did the deceased make any gift over £250 within seven years of death or receive any income from a Trust?

If yes, please give details.