

THE INTESTACY GUIDE

When someone dies 'intestate', it means that they died without leaving a valid will. It might be that they never made a will, or that the one they did make wasn't properly written.

When someone dies without a will, what happens to their estate will depend on the intestacy rules for the country they lived in.

The rules on what happens if you die intestate in England and Wales are pretty simple.

1) Your spouse or civil partner

Surviving spouses and civil partners have priority in most countries' intestacy rules. England and Wales are no different, but the amount your husband, wife or civil partner can inherit will depend on the size of your estate and whether you have kids.

If you're married or in a civil partnership when you die, and the estate is worth less than £270,000, your spouse or civil partner will inherit everything.

If the estate is worth more than £270,000, and you don't have children, your spouse or civil partner will again inherit everything.

But if the estate is worth more than £270,000, and you DO have children, your spouse or civil partner will inherit:

- All your personal belongings and property
- The first £270,000 of your estate
- Half of what's left over

The other half of what's left over will be split equally between your children. And if one of your children dies before you do, their share of your estate can pass to their children (your grandchildren) instead. There are a few other things to bear in mind:

- If you have a partner, but you're not married or in a civil partnership, they can't inherit under the laws of intestacy in the UK
- And if you're separated, but not divorced, your spouse or civil partner can still inherit
- If you've gone through a divorce, or if you've formally ended a civil partnership, your ex-spouse or ex-partner can't inherit under UK intestacy rules

2) Your children, or other direct descendants

If you don't have a spouse or civil partner when you die (e.g. if you're single, divorced, widowed, or in a relationship but not married), then your children are in line to inherit. The estate will be split equally between them.

As above, if one of your children dies before you, but they have children or grandchildren of their own, these direct descendants will inherit their parent's share. Don't forget:

- Adopted children have the same rights as biological children when it comes to the laws of intestacy in the UK
- Children from a previous marriage have the same rights as those from your current one
- Step-children can't inherit through UK intestacy rules unless they've been adopted

3) Your parents

If you aren't married or in a civil partnership, and you don't have children or any other direct descendants, your parents will inherit 50% of your estate each.

4) Your brothers and sisters

Next in line after your parents are your siblings, if you have any. And if one of your brothers or sisters has passed away before you, their children (your nieces or nephews) can inherit their share instead.

5) Your half-brothers and sisters

A half-brother or half-sister is someone who shares one biological parent with you. You might both have the same dad, but different mums, for example. Under English and Welsh intestacy rules, their claim comes after that of siblings who share both parents.

As above, if one of your half-brothers or half-sisters dies before you do, their children will get their share.

6) Your grandparents

If your grandparents are still around, they can inherit through the rules of intestacy if none of the relatives above are able to do so. Your dad's parents and your mum's parents have equal claims as well, so if you have four living grandparents, the estate will be split fairly four ways.

7) Your aunts and uncles

Failing that, the estate will be split equally between your aunts and uncles. If one of them dies before you, their children (your cousins) will inherit their share of your estate.

8) Your half-aunts and half-uncles

A half-uncle is someone who shares one biological parent with one of your parents – they're your mum or dad's half-brother. If your half-uncle or half-aunt dies before you do, their children can inherit their share instead.

10) The Crown

So, what happens when someone dies intestate and none of the relatives above are to be found? In cases like this, the whole estate will go to the Crown.

[Get in touch](#) if you need some help with dealing with an estate with an intestacy. Or, if you haven't made a will then [get started here](#).