

## What are the Rules of Intestacy?

They are the strict set of rules that decide what will happen to your possessions, land and money if you do not have a Will.

The Rules are complex and change according to whether or not you are married and whether or not you have children, and the value of the possessions and money that you leave.

### Married with children:

If you are married with children, then your husband, wife or civil partner (if they survive you by 28 days) receives all of your possessions and the first £250,000 of your other assets. They also receive half of the remainder but they do not receive it outright, rather it is put on trust for them for their lifetime so that they receive the income from it. The children then receive this after the surviving husband, wife or civil partner dies and they also receive the other remaining half when they turn 18.

### Married with no children:

If you are married with no children, then your husband, wife or civil partner (if they survive you by 28 days) receives all of your possessions and the first £450,000 of your other assets. They also receive half of the remainder outright. The remaining half is divided equally between your parents, but if none survive then equally between your brothers and sisters (but if any of them have died before then their share passes to their children). If there are no surviving parents, siblings or nieces and nephews then your surviving spouse or civil partner receives everything.

### Not married but with children:

Everything is divided equally between your children, but if any of them have died before you then their share passes to their children.

### Not married, no children but with surviving parents:

Everything is divided equally between your parents.

### Not married, no children or surviving parents but with surviving whole- brothers or sisters or their children:

Everything is divided equally between your brothers and sisters, but if any of them have died before you then their share passes to their children.

### Not married, no children or surviving parents but with surviving half -brothers / half -sisters or their children:

Everything is divided equally between your half-brothers and half-sisters, but if any of them have died before you then their share passes to their children.

If you would like to discuss any issues raised in this information sheet or any other wills and probate related matter please do not hesitate to contact our Team on:- 01279 755777 or email [probate@nockolds.co.uk](mailto:probate@nockolds.co.uk)

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## Wills and Probate Team

The rules of Intestacy

Not married, no children or surviving parents, no whole or half brothers or sisters but with surviving grandparents:

Everything is divided equally between your surviving grandparents.

Not married, no children, parents, whole or half brothers or sisters or grandparents but with surviving aunts or uncles:

Everything is divided equally between your aunts and uncles, but if any of them have died before you then their share passes to their children

Not married, no children, parents, whole or half brothers or sisters, grandparents, aunts or uncles:

Everything goes to the Crown.

As you can see, the Rules are complex and are almost guaranteed not to suit your situation! The best and easiest thing you can do, is to have a Will prepared stating exactly who you would like to receive your possessions and money.

For further information on the Rules of Intestacy and drawing up a will please contact Nockolds LLP for qualified, experienced and professional advice.

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