

Schedule 1: Key Terminology

Administrator	A personal representative of a deceased person where the deceased did not leave a Will, the Will did not appoint an executor or none of those appointed as executor are able or willing to act.
Beneficiary	A person who has a beneficial interest in property.
Codicil	A testamentary document supplemental to and considered as annexed to a Will previously made, being executed for the purpose of adding to, varying or revoking the provisions of that Will.
Death Certificate	<p>A document issued by a government civil registration office that serves as legal proof of death and includes information such as the date, location, and cause of a person's death. as entered on an official register of deaths.</p> <p>In the UK it is a certified copy of the entry made in the official death register, which is legally required to be completed and signed by a registrar.</p>
Estate	The assets and liabilities of a person on death.
Executor (fem. Executrix)	<p>An individual who administers a deceased person's estate in England, Wales and Northern Ireland, having been appointed in the Will.</p> <p>The Scottish law equivalent of executor is executor nominate.</p>
Grant of Probate	The grant of representation obtained where the deceased left a valid Will appointing one or more executors who are able and willing to prove the Will.
Grant of Representation	A document issued by the court to prove the legal authority of the person entrusted to deal with a deceased person's estate (called the personal representative).

If there is a Will appointing a personal representative, that individual is called the executor/executrix. The executor will obtain a grant of representation called the grant of probate.

If there is no Will (or if the Will is invalid), the personal representative is called the administrator and applies to the court to obtain a grant of representation called the letters of administration.

If there is a Will, but it does not appoint an executor/executrix (or if none of the persons appointed as executor/executrix is able or willing to act), the personal representative is also called the administrator and obtains a grant of representation called the letters of administration with Will annexed.

Inheritance Tax (IHT)

A tax on gifts or transfers, including a deemed transfer on death, and some trust interests, which must be paid before probate can be obtained.

Intestacy

An intestacy occurs when a person dies intestate. The intestacy rules apply in these circumstances.

Intestate

A reference to a person who has died without leaving a valid Will or who has failed to dispose of their entire estate by Will.

Intestacy Rules

The statutory rules that govern the administration and distribution of a person's estate where they have died intestate.

Letters of Administration

The grant of representation obtained by the personal representative of a deceased person's estate, where the deceased did not leave a Will, or the Will has been found to be invalid.

Letters of Administration with Will Annexed

The grant of representation obtained by the personal representative of a deceased person's estate, where the deceased did not appoint an executor in their Will (or where none of the appointed executors is able or willing to act).

Personal Representative (PR)

A person who administers the estate of a deceased person. A personal representative appointed under a valid Will is called an executor.

Where the deceased did not leave a valid Will, the personal representative must be appointed by the court and is called an administrator.

Probate

The process of proving (ie establishing the validity of) a Will by the executor. Once the Will has been proved, the court will issue a grant of representation.

The Scottish law equivalent of probate or administration is executry.

Resealed Grant

Where the deceased died domiciled in a country to which the Colonial Probates Act 1892 (CPA 1892) and the Colonial Probates (Protected States and Mandated Territories) Act 1927 (CPA 1927) (together the CPAs) apply and a grant has been issued in that country, an application may be made for that grant to be resealed to administer the estate in England and Wales.

Once resealed, the grant has the same power and effect to administer the estate in England and Wales as if it had been made by a court in this jurisdiction.

Testator

An individual who has executed a Will.

Will

A legal document in which the testator declares their intention as to what should happen to their estate after their death, and which is executed in accordance with certain legal formalities.