

Intestacy - dying without leaving a Will

Dying without leaving a valid Will is called dying 'intestate' and the intestacy rules will direct who your estate will pass to.

You can also die 'partially intestate' where you have a valid Will but it does not dispose of the whole of your estate. In this instance, the intestacy rules will direct who will get the assets that your Will does not deal with.

What are the intestacy rules?

The intestacy rules follow the hierarchy of your family, starting with your spouse (or Civil Partner) and children, but branching out to wider family if you do not have any immediate family of your own. This could result in your estate being divided in a way you would not want. In particular, it is important to understand that the intestacy rules do not recognise unmarried "common law" spouses or civil partners so if you have a partner who you are not married to or in a registered Civil Partnership they will not benefit from your estate under the intestacy rules and will not receive anything unless you have a Will specifically including them.

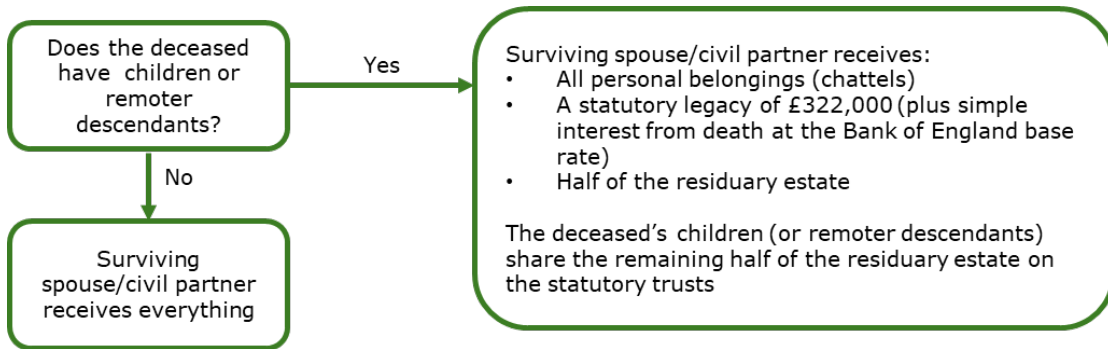
Because of this, it is important to ensure that you have a valid Will that properly deals with all of your assets. Wills made without professional assistance can often cause problems in relation to intestacy.

How are the intestacy rules applied?

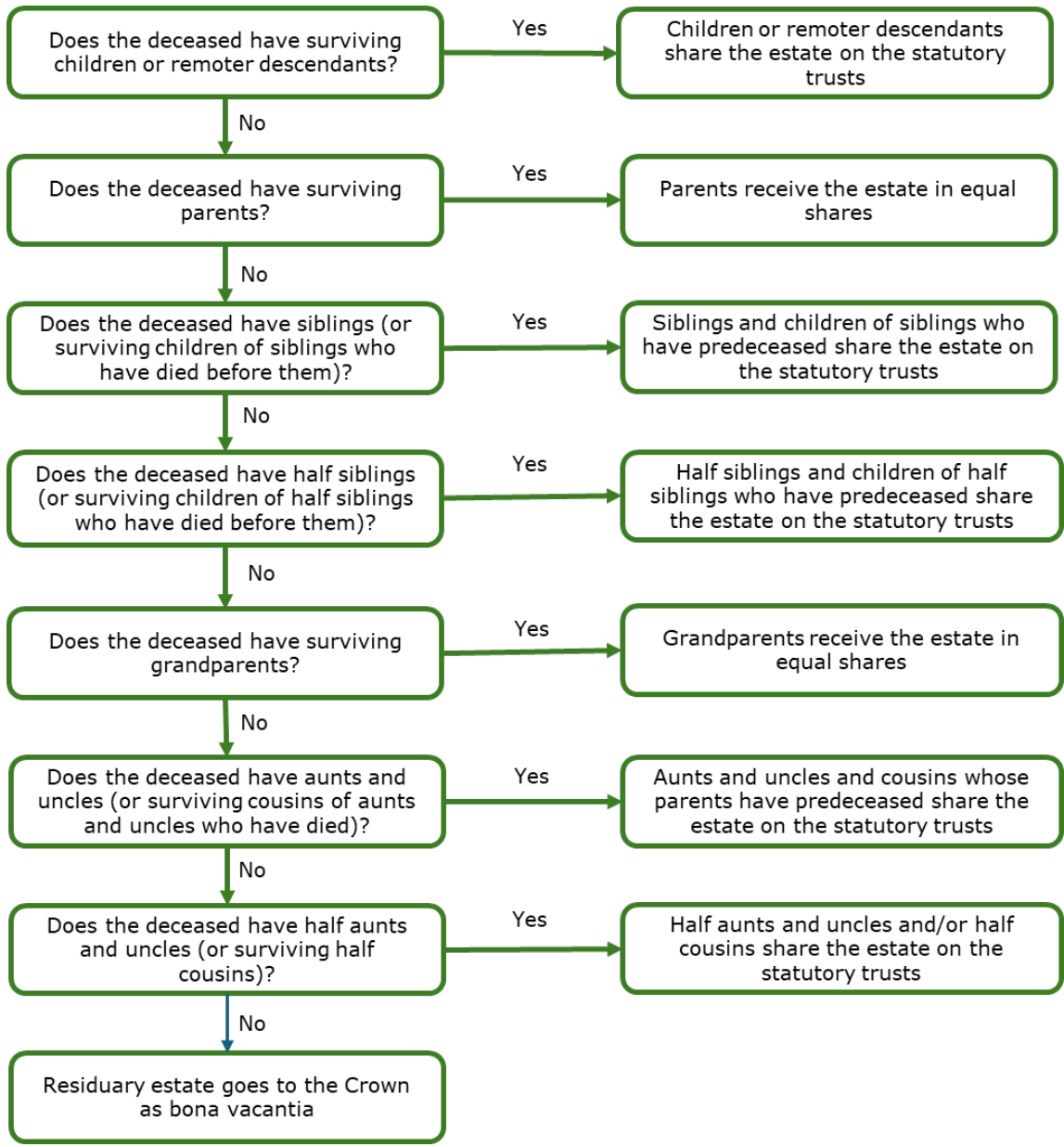
How the intestacy rules are applied to your estate will depend on a number of factors, such as whether you are married (or in a registered Civil Partnership), whether you have children and the value of your estate.

The following flowcharts show how the rules are applied, although you should be aware that if your spouse (or registered Civil Partner) is entitled to a life interest in part of your estate, because your estate is sufficiently large and you also have surviving children and/or grandchildren, your spouse can elect to receive a lump sum in place of their life interest. That lump sum will represent the capital value of their life interest, based on their age and gender.

The deceased leaves a surviving spouse or registered civil partner



The deceased does not leave a surviving spouse of registered civil partner



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