

Probate for deceased persons domiciled outside the UK

Introduction

This information sheet is relevant to anyone dealing with the estate of a person (the Deceased) who was domiciled outside the United Kingdom at the date of death but who left assets of some description within the UK. If the Deceased was domiciled in a Commonwealth country, please refer to our separate information sheet 'Probate Resealing'.

It will not usually be possible for the UK assets to be administered by the executors, administrators or legal heirs of the Deceased until a Grant of Probate or Letters of Administration (Grant of Representation) has been obtained from a Registry of the High Court of Justice of England & Wales.

As a leading private client legal practice based in south-east England, we are able to offer an efficient probate application service to the personal representatives or heirs of the Deceased and their professional advisers. Using our local District Probate Registry, we can complete non-domiciliary applications in as little as 30 working days from receipt of requisite documentation, and in most cases for a fixed fee.

What we need

In order to prepare the probate application documents, the following are required:

- 1 If the Deceased left a Will dealing exclusively with assets in the UK:
 - a a full photocopy of the Will (the original will be required at a later stage);
 - b an official copy of any other Will of the Deceased, sealed and/or certified by the court, or authenticated by the Notary Public, having custody of the original.
- 2 If the Deceased made a Will disposing of worldwide assets including assets in the UK:
 - a an official copy of the Will sealed and/or certified by the court, or authenticated by the Notary Public, having custody of the original;
 - b an official sealed and/or certified copy of any Grant of Representation to the Will issued by the court of the Deceased's country or territory of domicile;
 - c in the absence of any documentation within 2b, a copy of any deed or certificate of inheritance applicable to the Deceased's estate, authenticated by a Notary Public;
 - d in the absence of any documentation within 2b and 2c, a certificate of law by a Notary Public, confirming who is entitled to the estate of the Deceased in accordance with the law of the Deceased's country or territory of domicile.
- 3 If the Deceased did not leave any Will disposing of assets in the UK:
 - a an official sealed and/or certified copy of any Grant of Representation to the Deceased's estate issued by the court of the Deceased's country or territory of domicile;
 - b in the absence of any documentation within 3a, a copy of any deed or certificate of inheritance applicable to the Deceased's estate, authenticated by a Notary Public;
 - c in the absence of any documentation within 3a or 3b, a certificate of law by a Notary Public confirming who is entitled to the estate of the Deceased in accordance with the law of the Deceased's country or territory of domicile.

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- 4 In all cases:
- a the Probate Questionnaire accompanying this information sheet, fully completed;
 - b an official copy of the death certificate for the Deceased;
 - c contact details (name, address, email address, telephone number and fax number) for a Notary Public practising within the Deceased's country or territory of domicile, who will be able to provide (if required) a sworn declaration prepared by ourselves as to the formal validity of any Will;
 - d a full translation of any document not in the English language, and either carried out by an official translator or by a person demonstrably qualified to translate legal documents, who in each case can certify that the translation is true, faithful and complete (depending on the qualification of the translator, a sworn statement may be required which we can prepare);
 - e a passport copy and recent utility bill (confirming home address) for each of the Deceased's executors, administrators or heirs making the probate application in England, and in each case certified by a Notary Public;
 - f a sterling cheque or transfer in favour of Thomson Snell & Passmore in respect of our fees and those of the Probate Registry (see below).

Fees

Our normal charge for obtaining a non-domiciliary Grant of Representation is GBP 3,250, excluding a Probate Registry fee of GBP 160. For applicants resident in the European Union, VAT should be added to make a total of GBP 4,060. This assumes that the applicants or their professional advisers are able to provide full

information in the Probate Questionnaire and all of the relevant documents referred to above, and that there is no requirement for us to undertake further investigation of the Deceased's UK estate.

In some cases the replies given in the Probate Questionnaire may necessitate investigative work for which an additional charge is justified. In such cases, we shall notify the applicants or their professional advisers as soon as possible and agree the supplementary fee before taking any further steps in the matter. Similarly, if there is a requirement for us to commission a professional valuation (for example in respect of shares) the prior approval of the applicants to the additional costs will be obtained before the relevant action is taken.

In view of the above, while we expect the fixed fee to apply in the majority of cases, we recommend that the fully completed Probate Questionnaire is faxed or emailed before the other items are sent so that any element of additional expense can be identified at an early stage.

Disclaimer

This information sheet has been prepared for those seeking assistance with an application for a non-domiciliary Grant of Representation. It is intended for general guidance only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at June 2019 and may be affected by subsequent changes in the law.

For more details about the service described in this information sheet, please contact Helen Stewart on 01892 510000 or by email at:

helen.stewart@ts-p.co.uk

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