

A Guide to Deceased Estates Notices



A Guide to Deceased Estates Notice Placement

S27 Guide

As an executor of a Will, one of your responsibilities is to deal with any claims against the deceased's estate. You may be unable to identify all creditors and beneficiaries of the estate, which can leave you open to unforeseen claims once the estate has been distributed. A deceased estates notice (also known as a statutory advertisement) in The Gazette provides some financial protection should this happen. The Gazette is the UK's Official Public Record and is afforded legal standing in a court of law.

After you have received a Grant of Probate, or Grant of Confirmation for Scotland, it is recommended that you put a deceased estates notice (under the Trustee Act 1925 for England and Wales, the Confirmation of Executors (Scotland) Act 1823 or the Trustee Act 1958 in Northern Ireland) in The Gazette and an advertisement in a local newspaper.

Placing a deceased estates notice ensures that sufficient effort has been made to locate creditors before distributing the estate to beneficiaries and protects the executor or trustee from being personally liable to any unidentified creditors. After two months (or a recommended six months in Scotland) the estate can be distributed with some peace of mind.

If the estate includes a property, a notice should also be put in a newspaper that is local to the property.

THE GAZETTE AND THE NATIONAL WILL REGISTER

The Gazette, the official public record, and The National Will Register, work together to offer a comprehensive belt and braces approach to risk management when distributing an estate when someone dies.

A Certainty Will Search is a precursor to a Gazette deceased estates notice, in that it seeks to ensure that the correct Will is being administered, or to establish that there is most likely not a Will in an assumed intestacy situation. This is done by searching for Wills that have been registered, and for Wills that have not been registered.

The rationale behind the Gazette and The National Will Register working together is that Certainty Will Searches and Section 27 notices complement each other, but do not substitute each other.

Thomas Dumont QC at Radcliffe Chambers, explains: "Section 27(2)(b) says that nothing in section 27 frees the PRs [Personal Representatives] from any obligation to make searches similar to those which an intending purchaser would be advised to make. Clearly, a Certainty Will Search should be done right at the beginning of the estate administration process, so as to verify you are proceeding with the correct Will; or alternatively, that there is a Will. Time and expense will inevitably be saved in this way... a Section 27 notice does not remove the requirement to do a Will search, the two procedures serve different purposes, but work effectively and comprehensively to guard against risk. They represent a best practice approach to managing risk."

You can **place a deceased estates notice** through The Gazette website or by conducting a Certainty Will Search Protect on **The National Will Register's website**.

The information contained in this guide is meant for information purposes only and you should seek your own legal or professional advice where applicable.

This guide includes information that has been previously published on **The Gazette website**.



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