

# A guide to the Intestacy law

Dying without a will is called intestacy or dying intestate



## What is intestacy?

If you die without a valid Will you die 'intestate'. By making a Will you choose how your assets (money, property and possessions) are distributed and to whom. Under the law of intestacy, the people to whom you would like to leave your estate may receive little, or nothing at all, and others may benefit whom you would not wish to.

### Partners

If you live with your partner but you are not married or have not formed a civil partnership, regardless of how long you have lived together and even if you have children, then if you die intestate, your partner may receive nothing at all.

### Children

If you have children from a previous marriage or partnership, or if you have remarried, and you die intestate, your children may receive nothing at all.

### Separated

If you die before your divorce is finalised, your estate could still pass to your spouse.

**Strict rules apply on the distribution of your estate where there is no valid Will.**

### If married / in a civil partnership and no Will

#### If your estate is worth more than £322,000:

- And you have children (including adopted children but not stepchildren), then:
  - o Your spouse receives all personal possessions, property up to £322,000 in assets and half of the rest of the estate. The remaining half is shared equally between your children. If a child has died then his or her children will benefit from their parents' share in your estate.

- If you have no children or descendants, then:
  - o Your spouse receives all personal possessions, property up to £450,000 and one half of the remainder. The remaining one half is shared between your parents; your siblings; or their children.

#### If your estate is worth less than £322,000:

- Your spouse will receive your entire estate.

### If unmarried / no civil partnership and no Will

- If you have children - your estate is shared equally between them. If a child has died, then his or her children will benefit from their parents' share in your estate.
- No children or surviving descendants – your estate is paid to your parents
- No surviving parents – your estate is paid to your siblings or their children
- No siblings – your estate is shared equally between your half brothers/sisters or their children
- No half-siblings - your estate is paid to your grandparents
- No surviving grandparents – your estate is paid to uncles, aunts or other blood relatives
- If none of the above – **your estate passes to the Crown**

**Consulting a solicitor is the best way to ensure that your Will is properly set up and completed in your best interests.**

The information in this guide has been prepared to give the reader a brief outline of the area of law to which it relates.

Tallents do not accept any responsibility for any loss that you may incur if you make decisions based on this guide without seeking the detailed advice of a solicitor. The law referred to is correct at the time of going to press but the law is always changing and affects each person differently.

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