

# Dealing with the legalities of death

## How to deal with a loved one's death during the coronavirus lockdown

As the country remains largely in lockdown during the coronavirus pandemic, many are sadly having to deal with the death of a loved one during this time, writes Lindsay Maclean, Personal Law Partner at Edinburgh solicitors Gibson Kerr.

If you are the nearest relative or [executor](#) appointed by them, you may be wondering what the next steps are to deal with their estate and what you can do during lockdown. Despite some easing of the rules in Phase 1 of the path out of lockdown, there remain many restrictions in place.

### Registering the death

Registration offices in Scotland remain closed to the public during this phase of lockdown. This means it is not possible to attend an appointment at a registration office to register the death. However, the registrars are currently holding appointments by telephone. The local office will arrange a suitable time with you to obtain all the details they need to register the death. The medic who certified the death will ensure the registrar is provided with the medical certificate they need prior to your telephone appointment.

During the telephone meeting, the registrar will ask you questions such as the deceased's person's full name, date of birth, parents' names, occupation and marital status. So it is useful to have this information to hand prior to your telephone appointment. The registrar will ask you to check

the draft death certificate and, if you are happy with it, it will be electronically signed on your behalf.

Following the registration, the registrar will email you an electronic death certificate in place of an extract death certificate. Most institutions will accept this electronic death certificate as evidence of the death during the coronavirus pandemic. If a hard copy is required, an extract can be obtained from the registrars for a fee of £10 and they will post it out to you.

More information regarding registering a death in Scotland during the lockdown can be found on the [National Records of Scotland website](#).

## **Arranging the funeral**

The next step will be to organise the funeral and you should contact a funeral director to begin arrangements. Your loved one may have already made funeral arrangements by way of a funeral plan. Contact the plan provider to find out what has been arranged and which elements of the plan can still be carried out. If there's no funeral plan, you should check if there is a will. If there is a will, it may contain the deceased's wishes, such as whether they wish to be buried or cremated and where they would like a service held.

The current Government lockdown rules limit attendees at a funeral to immediate family only; which we understand will remain the case until Phase 3. Some cemeteries and crematoriums will set specific limits as to how many can attend. Your funeral director will be able to advise you on this.

Funeral directors have also adapted their own services to meet with social distancing guidelines. They may, for example, be able to arrange family viewing of the coffin at their premises following appropriate social distancing rules.

Although the funeral service may be limited in the numbers of people who can attend, many funeral directors are offering the ability to live stream or record the funeral for family members and friends who cannot attend. Additionally, it should be possible to arrange a memorial service later in the year when restrictions ease.

## **Administering the estate**

If there is a will which names you as the [executor](#) of the estate, you will be responsible for administering the estate. This involves ascertaining the assets owned by the deceased and finding out their values. You will need to establish if a Grant of Confirmation (the Scottish version of probate) is required to enable you to close the accounts and sell/transfer the assets. This will depend on how much was in each bank account and whether the deceased owned their own property. Each bank will advise you whether they require a Grant of Confirmation to deal with the accounts they hold. It is unlikely you will be able to attend a bank branch during this time, but most banks have either a telephone or online service for notifying them of the death, or a postal address you can write to.

Once you have obtained all of the information about the assets, you will complete the application for [Confirmation](#) (if required), including an inventory of the assets. The sheriff courts have recently begun accepting applications for Confirmation at certain sheriff court hubs and are working their way through the backlog of cases that built up in the initial weeks of lockdown. If [inheritance tax](#) is payable, you will need to complete an inheritance tax account. HM Revenue and Customs are currently not accepting payment of inheritance tax by cheque, but payment can be made by bank transfer or directly from the deceased's bank to HMRC.

If there is no will, the intestacy procedure will apply. Read our blog on [What happens when you die without a will?](#) to find

out more about intestacy. The sheriff court hubs can now accept new applications for appointment of an executor on an intestate estate.

### **We're here to help**

Our personal law solicitors at Gibson Kerr are happy to help you with the process of administering an estate. We are working remotely and able to hold a telephone or video meeting with you (through Skype, Zoom or similar), so please do not hesitate to [contact our personal law solicitors](#) or call 0131 202 7516 for more information or if you require assistance.