The Wills Clinic
LEGAL HEALTH SPECIALISTS

The Intestacy Rules: What Actually Happens If You Die Without a Will

If you die intestate, you die without a Will.

Many people assume their money, property and belongings will automatically pass to the people they want to inherit them. However, that is not always the case. If someone dies without leaving a valid will, their estate is distributed according to the intestacy rules. **These are legal rules that stipulate who inherits and in what order.**

The intestacy rules apply to everything a person owns in their sole name when they die. This can include money in bank accounts, investments, property and personal possessions. **The rules do not usually affect assets that pass automatically to someone else, such as certain jointly owned property or pension benefits.**

A surviving spouse or civil partner is the first person entitled to inherit. **If the person who died has no children, the spouse or civil partner will inherit the entire estate.** This means other family members, such as parents or siblings, receive nothing. **NB: If you are separated but not divorced, your spouse still stands to inherit everything – even if you are no longer living as a couple.**

The situation becomes more complicated when there is a surviving spouse or civil partner and children. **In England and Wales, the spouse or civil partner receives all personal possessions, the first £322,000 of the estate, and half of everything remaining above that amount.** The other half of the remaining estate is shared equally between the children.

Many people are surprised to learn that unmarried partners do not have the same rights as spouses or civil partners under the intestacy rules. **Even if a couple has lived together for many years and share children, the surviving partner may not automatically inherit anything.** This can create financial difficulties and may lead to legal disputes.

If there is no surviving spouse, civil partner or children, the estate passes to other relatives in a set order. This starts with parents, then brothers and sisters, followed by more distant relatives such as grandparents, aunts and uncles. **The law follows a strict list of relatives and does not take account of personal**

relationships or promises that may have been made during someone's lifetime.

If no eligible relatives can be found, the estate passes to the Crown. This is known as bona vacantia, which means ownerless property. **Although this is uncommon, it can happen where a person has no known family members who qualify under the intestacy rules.**

Making a Will allows a person to decide exactly who should inherit their estate. It can also help reduce uncertainty, avoid family disagreements and ensure that unmarried partners, friends or charities are provided for. **Without a Will, the law decides where the estate goes, which may not reflect the wishes of the person who has died.**

I**n simple terms, dying without a Will means losing control over who inherits your assets. The intestacy rules provide a legal framework for distributing an estate, but they cannot account for individual circumstances or personal preferences.** For that reason, many legal professionals recommend making a valid Will, and keeping it updated, to ensure your wishes are clearly recorded and followed after your death.