

act:onaid

Your Guide to Being an Executor

Thu and Huong are close friends and members of a women's farming group in Vietnam, where training and support help them to adapt their farming methods to climate change.



Rozina is the president of a women's farmers' group in Bangladesh, where she manages the community seed bank with ActionAid.

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Getting started

Hello and welcome to your guide on being a lay executor. Here you will find an overview of the key steps and information you might need when dealing with an estate.

We understand that dealing with your loved one's estate might feel daunting, and want to thank you for taking on this responsibility. The role of executor can be complex but also rewarding, and we're very grateful for your hard work and care during this difficult time. We hope, with this guide, we can support you through this process and ensure you have all the information you might need along the way.

We're also incredibly grateful for your loved one's kindness to ActionAid and are honoured they chose to remember us in this special way. By helping their gift reach us safely, you're ensuring they'll continue to stand with women and girls as they end injustice across their communities.

If you have any questions about our work or the administration process, or if you would just like to talk about your loved one and why ActionAid was important to them, please don't hesitate to get in touch. We are always happy to help.

Women's collectives in Kenya are leading climate resilience and crop diversification programmes, to ensure sustainable livelihoods for the families in their community.



The importance of gifts in Wills

At ActionAid we believe that when women and girls thrive, we all thrive. For over 50 years we've been working to end inequality and injustice, supporting communities across the globe. Today we partner with women, girls and women's rights organisations to build a world where women and girls can fulfil their potential, exercise their rights and define their future.

Our friends who choose to leave a gift in their Will help create real and lasting change. Legacies fund long-term, grass-roots projects across Africa, Asia and Latin America; supporting women and girls working to prevent violence, promote education, diversify livelihoods and protect their communities against the climate crisis.

This small but precious group of friends have an incredible impact future-proofing ActionAid's vital work. In 2024 alone, gifts in Wills raised over £3.5 million, helping us reach ever greater numbers of women, girls and communities across the world.

Women like Florence, pictured opposite.

Florence is a public health officer in Kenya. She supports her local girls' forum and provides talks to girls in schools to help them learn about their health, rights and access to education. Florence herself attended a girls' forum when she was in school, so understands the impact it can have on someone's life.

Florence wishes to pass on the knowledge she has learnt and use this to support future generations of women and girls.

To request further information about the difference gifts in Wills make, please contact our Legacies team at legacies@actionaid.org or request our Gifts in Wills guide.



Girls need to know that it is their right to get an education and see the importance of it and where it can take them... I love guiding them to pick the right course that will help them.

Florence

© Esther Sweeney / ActionAid



Your role as an executor

As an executor, you will want to ensure the estate you are responsible for is administered properly. Many lay executors appoint a solicitor to help them, and this can be paid for by the estate. Don't forget, we're here to support you too.

Nancy works as the Programme Assistant with the Community Transformation Agenda (COTA) in Uganda. COTA is a women-led community organisation that supports women and girls in refugee settlements.

Different kinds of gift

Gifts in Wills usually take the form of a cash amount, a share of the estate, or a specific item.

- A share of the estate (also known as a residuary legacy) – for example, “I leave 25% of my estate to ActionAid (registered charity number 274467)”.
- A cash sum (also known as a pecuniary legacy) – for example, “I leave £5,000 to ActionAid (registered charity number 274467)”.
- A specific item (also known as a specific legacy) – for example, “I leave my grandfather clock to ActionAid (registered charity number 274467)”.

Administration expenses

Certain costs incurred in the administration of the estate, including legal and accountancy fees and reasonable expenses, can be paid from the estate so you shouldn't be out of pocket. We recommend that you keep a record of your expenses with receipts.

Unfortunately, as a lay executor, you cannot charge for your time unless specified in the Will.

If you have any questions, please get in touch with us at legacies@actionaid.org.

Your role as an executor includes

- ✓ Registering the death.
- ✓ Locating the original Will.
- ✓ Arranging the funeral.
- ✓ Gathering all relevant financial documentation and notifying banks, government services, and other financial institutions of the death.
- ✓ Obtaining date of death valuations of the assets of the estate, finding out details of any liabilities, and working out the total value of the estate.
- ✓ Preparing the appropriate forms for submission to His Majesty's Revenue and Customs (HMRC), if relevant, and paying any Inheritance Tax due. This can be paid directly from the deceased's bank accounts if sufficient funds are available.
- ✓ Applying for a Grant of Probate (Grant of Confirmation in Scotland).
- ✓ Following the issue of the Grant of Probate, gathering in the assets of the estate and, if necessary, selling any properties and shares.
- ✓ Placing statutory notices for any creditors and claimants to come forward (especially if you were not closely involved with the deceased's affairs prior to their death).
- ✓ Dealing with any claims against the estate.
- ✓ Once the assets have been gathered in, paying any debts that were outstanding at the date of death, funeral costs, administration expenses, and any other liabilities of the estate.
- ✓ Settling the deceased's lifetime tax affairs, and the estate's Income Tax and Capital Gains Tax liabilities with HMRC.
- ✓ Obtaining Inheritance Tax clearance from HMRC (if relevant).
- ✓ Preparing Estate Accounts for approval by the residuary beneficiaries.
- ✓ Paying the legacies in accordance with the provisions of the Will and the Estate Accounts. Note that interest will be payable on cash legacies not paid to the beneficiaries within one year of death.

Administering a gift to ActionAid

- 1** Please get in touch with us as soon as you can to let us know about the gift.
- 2** Please send us copies of the Will and any Codicils. If the gift is a cash legacy, a copy of the Will clause containing the gift will be sufficient.
- 3** For residuary gifts please send us a list of the estate assets and liabilities showing the probate values, or a copy of the IHT 400 form (Form C1 in Scotland).
- 4** If the estate contains a property which passes to us or to the residuary estate of which we are a beneficiary, please provide us with three marketing appraisals.
- 5** If the estate contains valuable items such as jewellery, paintings or shareholdings which have been left to us, or which form part of the residuary estate of which we are a beneficiary, please send us copies of professional valuations.
- 6** If Inheritance tax (IHT) is payable on the estate, please check this has been calculated correctly, bearing in mind that charities are exempt from IHT.
- 7** Once the Grant of Probate (Confirmation in Scotland) has been issued, please send us a copy.
- 8** We appreciate regular updates and, where possible, an interim distribution.
- 9** Please send us a copy of the Estate Accounts for our approval at the end of the administration and pay any balance due as shown in the Estate Accounts.
- 10** All our files are checked by our auditors to ensure we're complying with charity accounting regulations. Please understand that our questions and requests for certain information during the administration of an estate are to ensure compliance with these regulations.

Teleza is a primary schoolteacher and member of ActionAid's Young Urban Women's (YUW) programme in Malawi.



Essential information for executors

Communication with other charities

If the Will includes gifts to multiple charities, we will work with our co-beneficiaries to make your job easier. Many executors appoint one of the named charities to act as a lead charity, so you only need to communicate with one organisation. They will then report to the other charities and feed back to you.

Claims against the estate

You may need to consider if there is anyone, such as a child or a cohabitee, who might make a claim against the estate for financial provision, or for greater financial provision than has been provided by the Will.

Rights vary depending on whether the deceased was domiciled in England and Wales, Scotland or Northern Ireland. If you become aware of a claim against the estate, please consult a solicitor and please let us know as soon as possible.

Selling property

If you are selling a property or land that forms part of an estate of which ActionAid is a residuary beneficiary, please keep us up to date with offers received. Please send us a copy of the Completion Statement once the property has been sold.

Applying for probate

For most estates, you will need to apply for a Grant of Probate. This is the legal document that authorises you to encash the deceased's financial assets and sell any properties and shareholdings.

You may not need a Grant of Probate if the deceased:

- Only had modest savings below a certain limit. Many banks have thresholds under which they will release funds without a Grant.
- Only had shares/bank accounts which were jointly owned with another person or persons. In such a case the shares/bank accounts would automatically pass to the surviving joint owner(s), unless they had agreed otherwise.
- Only owned land or property with another person or persons as joint tenants. In this situation the land or property would pass automatically to the surviving joint owner.

The process for applying for probate varies depending on whether the deceased was domiciled (usually the country where their main home was) in England and Wales, Scotland or Northern Ireland.

You can find guidance online below:

➤ [gov.uk/applying-for-probate/apply-for-probate](https://www.gov.uk/applying-for-probate/apply-for-probate)

➤ [scotcourts.gov.uk/taking-action/dealing-with-a-deceaseds-estate-in-scotland](https://www.scotcourts.gov.uk/taking-action/dealing-with-a-deceaseds-estate-in-scotland)

➤ [nidirect.gov.uk/articles/probate](https://www.nidirect.gov.uk/articles/probate)

Tax considerations

Charities like ActionAid are exempt from Inheritance Tax (IHT) and Capital Gains Tax (CGT). To find out more about these taxes and how they apply to estates, please see the following:

➤ [gov.uk/inheritance-tax](https://www.gov.uk/inheritance-tax)

➤ [gov.uk/capital-gains-tax](https://www.gov.uk/capital-gains-tax)

➤ [gov.uk/probate-estate/managing-and-selling-assets](https://www.gov.uk/probate-estate/managing-and-selling-assets)

You can also contact the HMRC advice line on **0300 123 1072**.

When applying for probate, please indicate on the appropriate HMRC form that the Will includes a charitable gift, as this will be exempt from IHT.

Please bear this tax exemption in mind when distributing the residuary estate. In particular, please note that where the residue of an estate is left to a mix of charities and individuals, usually the residue should be divided into exempt (charity) and non-exempt (individuals) shares and any IHT deducted from the non-exempt share.

Please also be aware of the reduced rate of IHT where 10% or more of the net estate is left to charity.

If property or investments sell for more than their probate value, CGT may be payable by the estate unless the assets can be appropriated to the charity before sale, or exchange of contracts in the case of land or a property. An appropriation will usually be possible if an asset is not needed to settle administration expenses. Our Legacy Case Administration Specialist will be happy to help with the completion of a Memorandum of Appropriation to claim the charity exemption from CGT.

Tax deduction certificates - HMRC form R185 (Estate Income)

Charities can reclaim tax paid on income from the residue of an estate. This applies to each tax year during the administration of the estate if a payment is made to the charity.

Completing an R185 (Estate Income) form and sending it to ActionAid enables us to reclaim the tax paid from HMRC. This is an important source of income for us and ensures the gift you are administering achieves as much as possible for the charity.

Below are a few examples of what this income could do, and how important it is for women and girls around the world:



£45 could help build lockable toilets in schools to give girls the privacy they need during their periods.



£112 could support families in an emergency with an emergency kit, including clean water, food and blankets.



£470 could provide 10 children with school bags, learning materials and new uniforms, ensuring they don't miss out on their education.

The R185 (Estate Income) form and guidance can be found [online](#).

Estate Accounts

If ActionAid is a residuary beneficiary, please send us a copy of the Estate Accounts when the administration is complete. When we are audited, our auditors need to check that we have complied with the wishes set out in the Will and received the full amount of our legacy.

All residuary beneficiaries, whether charities or not, should be sent a copy of the Estate Accounts. The Accounts don't need to be complex: a simple list of assets, liabilities, income received and payments made will suffice.

We have provided an example of estate accounts on the next page to give you an idea of what this could look like.

ActionAid Tanzania has been working with a women-led farming cooperative, training women to establish seaweed nurseries. Opportunities like this ensure women and girls can build a livelihood and future.

ELIZABETH MARY BRONTE MORGAN DECEASED

ESTATE CAPITAL ACCOUNT		£	£
Assets at Probate Value			
Freehold Property: 82 Alma Avenue, Plymouth		408,000	
Nationwide Building Society Account No. 654321		16,000	
Stocks and Shares		11,500	
Axa Life Policy		7,000	
Personal Effects		15,000	
Premium Savings Bonds		2,500	
TOTAL GROSS ESTATE			460,000
Less Liabilities at Date of Death			
Funeral Account		4,700	
Utility Accounts		300	
Nursing Home Fees		4,400	
Mortgage on freehold Property		24,900	
Credit Card		200	
Income Tax Liability for year to Date of Death		1,500	
TOTAL LIABILITIES			36,000
			424,000
Net Estate for Probate			
Add profit on sale of stocks and shares			
Less administration expenses (separate schedule enclosed)		46,000	
Capital Carried Forward for Distribution			386,000
			424,000
ESTATE INCOME ACCOUNT		£	£
Closing interest on Building Society Account			500
Dividends on Stocks and Shares			1,500
INCOME CARRIED FORWARD TO DISTRIBUTION ACCOUNT			2,000
			424,000
DISTRIBUTION ACCOUNT		£	£
Balance brought forward from Capital Account			386,000
Balance brought forward from Income Account			2,000
Total Available for Distribution			388,000
			424,000
Distributed as follows			
25% to James Ernest Morgan			97,000
25% to Jennifer Susan Hemmingway			97,000
15% to Louis Oliver Hemmingway			58,200
15% to Charlotte Ada Morgan			58,200
10% to ActionAid UK			38,800
10% to The Parish Church of St Michael's-in-the-Field			38,800

Additional Information

Helpful contacts

ActionAid Legacy Team

ActionAid
Chard Business Park
Jarman Way
Chard
Somerset
TA20 1FB

☎ **01460 238 000**

✉ legacies@actionaid.org

The Law Society

If you would like the support of a solicitor, The Law Society provides details of qualified solicitors who can help you with the administration of an estate.

The Institute of Legacy Management

The Institute of Legacy Management provide free resources for executors, including guidance for lay executors and a document checklist.

Tell Us Once

This Government service allows you to notify all relevant departments of your loved one's death in one straightforward step.

Bereavement Register

The Bereavement Register is a free service which can be used to prevent marketing mail continuing to be sent to the deceased.

Our details

Charity name

ActionAid

Charity number

ActionAid is a charitable company limited by guarantee and registered in England and Wales. Our England and Wales registered charity number is 274467, and our Scottish charity number is SC045476.

How to make a payment

If you would like to make a payment to ActionAid, please contact us to request bank details or how to send in your payment by cheque.

We respectfully ask that you do not pay in legacy gifts through the donation page on our website. The website does not offer a way to identify a payment as a legacy, and we would hate to cause unnecessary upset by not being able to acknowledge and take care of your loved one's gift correctly.

Thank you

We hope you'll find this guide helpful as you're managing your loved one's estate.

We're always happy to help if you need any further support or would like to talk; and we hope to hear from you soon.

**On behalf of all of us here at
ActionAid, thank you.**

Abebech received training from ActionAid as part of ActionAid's Combating Modern Slavery project in Ethiopia. This important initiative provides women with training and seed money to start their own businesses.



If you need assistance with any aspect of your role as executor, please don't hesitate to contact us at legacies@actionaid.org or on **01460 238 000**. We're always happy to help.

[actionaid.org.uk](https://www.actionaid.org.uk)

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