The Rules of Intestacy – Flowchart

Is there a living husband, wife or civil partner?

Yes

Is the estate likely to be worth more than £322,000

Yes

Are there any living children, grandchildren or other direct descendants (e.g., great grandchildren)?

Yes

The husband, wife or civil partner keeps all the assets (including property) up to £322,000, and all the personal possessions, whatever their value.

The remainder of the estate will be shared as follows:

- The husband, wife or civil partner gets an absolute interest in half the remainder.
- The other half is then divided equally between the surviving children.

If a son or daughter has already died, their children will inherit in their place.

No

The husband, wife or civil partner gets all the estate.

No

The husband, wife or civil partner gets all the estate.

No

Are there any living children, grandchildren or other direct descendants (e.g., great grandchildren)?

Yes

The estate is shared equally between the children of their descendants. If a son or daughter has already died, their children (the grandchildren of the deceased) inherit in their place.

No

Are there any living parents?

Yes

The estate is shared equally between the parents.

No

Did the deceased have any brothers or sisters?

Yes

The estate is shared equally between the brothers and sisters. If a brother or sister has already died, their children (nieces and nephews of the deceased) inherit in their place.

No

Did the deceased have any half-brothers or sisters?

Yes

The estate is shared equally between the half-brothers or sisters. If a half-brother or sister has already died, their children (nieces or nephews of the deceased) inherit in their place.

No

Are there any grandparents living?

Yes

The estate is shared equally between the grandparents.

No

Did the deceased have any aunts or uncles?

Yes

The estate is shared equally between the aunts and uncles. If an aunt or uncle has died, their children (the cousins of the deceased) inherit in their place.

No

Did the deceased have any half-aunts or half uncles

Yes

The estate is shared equally between the half-aunts and half-uncles. If a half-aunt or half-uncle has already died, their children (the cousins of the deceased) inherit in their place.

No

The whole estate goes to the Crown.

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Please note that this information is provided as a guide and only summaries the laws relating to intestacy in England and Wales as of 2020.
This page illustrates the new rules set out in the Inheritance and Trustees' Powers Act 2014 which came into force in October 2014.
Information in this flowchart provided by –
https://www.gov.uk/inherits-someone-dies-without-will