



Laws of Intestacy in England & Wales

The following is a **simplified** guide to the **order** in which members of a family inherit when a person (“the Deceased”) has died in England & Wales without leaving a valid Will. Only the first category of kin in which there was at least one person qualifying at the date of death of the Deceased will inherit. Issue of a living heir do not themselves inherit.

1. **Spouse or civil partner.** Where the spouse or civil partner survives the Deceased by at least 28 days and there is no issue and no parents and no siblings of the whole blood, the surviving spouse is the **only** heir.
2. **Spouse or civil partner and issue.** Where the spouse or civil partner survives by at least 28 days and issue survives, the spouse and issue inherit together.
3. **Spouse or civil partner and parents or siblings of the whole blood.** Where the spouse or civil partner survives by at least 28 days and there is **no** issue but there **is** a surviving parent or sibling of the whole blood or their issue (nephews and nieces etc), the spouse or civil partner may have to share with the parent(s) or the siblings of the whole blood (or their issue), depending on the value of the estate.
4. **Issue.** Where the spouse or civil partner dies before the Deceased or does not survive by at least 28 days, the Deceased’s issue inherits.
5. **Parents.** Where there is no spouse or civil partner and no issue, the surviving parents inherit.
6. **Siblings of the whole blood** inherit next or, if they died before the Deceased, their issue.
7. **Siblings of the half blood** inherit next or, if they died before the Deceased, their issue.
8. **Grandparents**, both paternal (through the father) and maternal (through the mother), inherit next.
9. **Uncles and aunts of the whole blood** (both paternal and maternal) inherit next or, if they died before the Deceased, their issue.
10. **Uncles and aunts of the half blood** (both paternal and maternal) inherit next or, if they died before the Deceased, their issue.
11. *If, at the date of death of the Deceased, there is no one alive in any of the above classes of kin, the estate passes to the Crown.*

Definitions:

Spouse = husband or wife through legal marriage. **Civil partner** = same sex married couple. A former spouse or civil partner who is legally divorced from the Deceased is **not** entitled. However, a separated or estranged spouse is **still** entitled. Common law spouses or cohabitants are **not** entitled under the intestacy rules.

Issue = children, grandchildren, great grandchildren and so on. It does not matter if issue is legitimate or illegitimate. Issue legally adopted **into** the family **is** entitled. Issue legally adopted **out** of the family is **not** entitled. Foster children and stepchildren are **not** entitled.

Siblings = brothers and sisters by birth or by legal adoption. A **whole blood** sibling has the same two birth or adoptive parents as the Deceased. A **half blood** sibling shares only one birth parent or adoptive parent with the Deceased.

Note: Should a member of the family die after the date of death of the Deceased, his or her own estate inherits. In the case of the spouse only, there is a qualification period of 28 days from the date of death.

Disclaimer. This summary of the laws of intestate succession for deaths within the jurisdiction of England & Wales is necessarily simplified and is for general guidance purposes only. If you require a more detailed understanding of the law, please consult a solicitor. The laws differ in other parts of UK.



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