

NIPF₁ - Probate application - Will

This form is for an application where the person who has died left a Will

Note - Do not attach, staple, paperclip or pin anything to the Will

The information you provide in this application form will be the basis of your statement of truth, and it will be stored as a public record.

Checklist—before you send your application form to NICTS Probate Office you will need to enclose the following documents. Please complete the checklist below to ensure that your application is complete and retain copies for your own records, as failure to enclose these will delay your application being processed.

- ☐ Probate Application (this form) - where a person who has died has left a Will.
- ☐ A certified copy of the lead applicant's identification documents (Not required for legal professionals)
- ☐ Inheritance Tax Summary Form: Please submit the appropriate form signed by all applicants (see additional notes in Section 7).
- ☐ The last original Will and any codicils made since that Will.
- ☐ A copy of the death certificate, or a coroner's interim certificate of the person who has died (Not required for legal professionals).
- ☐ Any other documents requested on this form. Please list them:

As well as the application fee, there is a fee for each official copy of the Grant of Representation that we provide.

How many official copies of the Grant of Representation do you require?

Application fee

£

Fees for copies

£

Total fees

£

- ☐ A cheque/postal order payable to 'NICTS' in respect of NICTS fees. Please write the name of the person who has died on the back of the cheque.
- ☐ I would like the office to contact me to arrange payment by card. I have included my contact telephone number at 1.5 below.

For legal professionals

If you have an ICOS Account number and would like to make your payment from that account, please provide it in the box below

If you need help filling out this form please call

0300 200 7812

We cannot provide legal advice

Did you know you can apply for Probate online?

Search for 'Probate' at nidirect

Checklist note –

ID – Details of acceptable identification and witness certification are available by searching 'probate' on nidirect.

Original Will -

NICTS will keep the original Will as it becomes a public document and by law, we must keep it when we grant probate to an Executor.

Codicil

These are additional documents that update the Will.

Do not attach anything to or remove anything from the original Will/codicils. Also, make sure that you keep a copy for yourself.

Other Documents- Include here if you are requesting that a Grant obtained in a Foreign Country is to be sealed by the Probate Office for use in Northern Ireland.

Only state here the extra number of copies of the grant you require for use in Northern Ireland. This is in addition to the Grant of Representation included in the application fee. Details of applicable fees and how to pay can be found by searching 'probate' on nidirect.

Please send your form and required documents with payment to:

NICTS Probate Office,
Royal Courts of Justice,
Chichester Street,
Belfast BT1 3JF

SECTION A – PERSONAL INFORMATION

1. About the applicant(s)–All applicants must be over 18 years

A maximum of 4 may apply – if more than 4 executors wish to apply, please call **0300 200 7812** to request the relevant form.

1.1 Full name including middle names of **first applicant**

Forename(s)

Surname

1.2 Is the name of the **first applicant** different in the Will and codicil?

☐ Yes, give the name as it appears in the Will or codicil in the box below

☐ No

1.3 Are there any other differences in the Will, such as a substitute executor appointed?

☐ Yes, give details the box below

☐ No

Please complete in BLOCK capitals placing a tick in boxes where applicable.

Note 1.1 – First Applicant

If you’re making a joint application, the first applicant is nominated by all applicants to apply on their behalf. We’ll send the first applicant all correspondence and the Grant of Representation or to your legal representative, if named.

Only list applicants who wish to be named on the grant in this section. They will be required to sign the declaration in Part B. Please note that names you provide here must be the same as the applicant’s identification documents such as their Passport or Driving Licence. You need to send certified copies of these documents in with your application.

If the applicant is a firm or a company, please insert the name of the individual partner applying. If the applicant is a trust corporation, please insert the full name of the corporation in the ‘Forename(s)’ box. An original Trust Corporation Resolution, or a sealed and certified copy, must accompany this application and name an individual within the Trust as an appointee for contact.

Note 1.3 – A substitute executor is a person appointed to act as executor in the event that the original executor is unable to fulfil their role. When there are **no executors** applying, you may wish to seek legal advice in regard to who is eligible to apply in these circumstances, the Order of Priority is set out in Rule 18 of Order 97 of the Rules of the Court of Judicature (Northern Ireland) 1980.

If you are applying on behalf of an executor under **power of attorney**, you should provide your details in section A and provide their details in Section 5 of this form

1.4 First applicant’s address

Building number and street

Second line of address

Town or city

County (optional)

Country (optional)

Postcode

1.5 First applicant’s contact telephone number (not required if using a legal representative)

1.6 First applicant’s email address (not required if using a legal Representative)

1.7 First applicant’s Occupation

Note 1.5 – You do not need to provide a contact number but by doing so will help us contact you should we need to.

Note 1.6 – we will use your email address to send you updates about the progress of your application.

1.8 Full name including middle names of **second applicant**

Forename(s)

Note 1.8 – If the applicant is a firm, company, or corporation, please insert the full name in the ‘Forename(s)’ box.

Surname

1.9 Is the name of the **second applicant** different in the Will and codicil? Yes,

☐ give the name as it appears in the Will or codicil in the box below

☐ No

1.10 Second applicant’s address

Building number and street

Second line of address

Town or city

County (optional)

Country (optional)

Postcode

--	--	--	--	--	--	--

1.11 Second applicant’s Occupation

1.12 Full name including middle names of **third applicant**

Forename(s)

Surname

1.13 Is the name of the **third applicant** different in the Will and codicil?

☐ Yes, give the name as it appears in the Will or codicil in the box below

☐ No

1.14 Third applicant’s address

Building number and street

Second line of address

Town or city

County (optional)

Country (optional)

Postcode

--	--	--	--	--	--	--	--

1.15 Third applicant's Occupation

--

1.16 Full name including middle names of **fourth applicant**

Forename(s)

Surname

1.17 Is the name of the **fourth applicant** different in the Will and codicil?

☐ Yes, give the name as it appears in the Will or codicil in the box below

--

☐ No

1.18 Fourth applicant's address

Building number and street

--

Second line of address

--

Town or city

--

County (optional)

Country (optional)

Postcode

--	--	--	--	--	--	--	--

1.19 Fourth applicant's Occupation

Note – If no executor is applying for this Grant, or the deceased was domiciled outside Northern Ireland (see 2.10) or you are applying as an Attorney (see section 4), you will need a legal representative to apply.

1.20 Do you have a legal representative acting for you?

- ☐ Yes, give details below
☐ No, go to **Section B**

Legal representative's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name of legal representative's firm

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Reference number

Address

Building number and street

Second line of address

Note 1.20 – A legal representative is either a solicitor or other professional who is licensed and authorised by their governing body to carry out the reserved legal service of probate in accordance with the Law Society of Northern Ireland. If you have a legal representative we will send all communication and correspondence to them.

Town or city

County (optional)

Country (optional)

Postcode

Email address

Phone number

--	--	--	--	--	--	--	--	--	--	--	--

SECTION B

2. About the person who has died

2.1 Forename(s) as they appear on the Death Certificate

2.2 Surname as it appears on the Death Certificate

2.3 Permanent address
Building number and street

Second line of address

Town or city

County (optional)

Country

Postcode

--	--	--	--	--	--	--	--

2.4 Date they were born

--	--	--	--	--	--	--	--

2.5 Date they died

--	--	--	--	--	--	--	--

2.6 Age at death

If you need help filling out this form please call
0300 200 7812

We cannot provide legal advice

Note 2.4 and 2.5 – You can find these dates on the Death Certificate or Coroner’s Certificate.

2.7 What was the place of death?

2.8 Was the person who has died known by any other name in which they held assets?

☐ Yes, go to question 2.9

☐ No, go to question 2.10

2.9 Please give the details of any other names by which the person who has died held assets.

Full name

2.10 Did the person who died live permanently in Northern Ireland at the date of death, or intend to return to Northern Ireland to live permanently? (For legal purposes this generally means they were domiciled in Northern Ireland. You may wish to seek legal advice about this.)

☐ Yes

☐ No (You will need to seek legal representation to progress this application and further information will be required at **section 5**)

2.11 Does the name of the person who has died appear differently on the Will?

☐ Yes, record the name as it appears on the Will

☐ No

2.12 What was the occupation of the person who has died?

Note 2.7 – This is the location that the person was pronounced dead and can be found on the death certificate.

Note 2.8 - These names must be ones that will appear on the grant because an asset is in that name. We do not need to know the asset.

Note 2.10 – Living permanently means they had either their permanent or principal home in Northern Ireland at the date of death or they intended to return to Northern Ireland to live permanently.

Note 2.12 – State the former occupation if retired, or unemployed if the deceased was never employed prior to their death.

Questions 2.13 and 2.14 are for legal professionals only

2.13 Type of application

2.14 Please give your grounds for application, plus any relevant information

Note 2.13 and 2.14 – If your application is not for probate or there are limitations to be applied, e.g. Reseals, Double Probate, *De bonis non*, please provide details of the type of grant required and details of the grounds for the application and any relevant information (e.g. limitations required) in box 2.14. For guidance on the information that is required and wording that should be used, please refer to Tristram and Cootes or Margaret K M Aiken's Probate Practice Notes.

Please send all of your evidence in support with this application.

3. The Will and any codicils – This section is about the Will.
You must submit the most recent original Will and codicils made since the last Will, if there are any.

3.1 Do you have the original Will?

☐ Yes, go to 3.2

☐ No, you will need a **signed Order from the Chancery Master** accepting the validity of the copy Will in order to progress the application.

Do you have an Order?

☐ Yes, go to 3.2

☐ No, call 0300 200 7812

You will need to send the Order and the Will with this application.

3.2 What is the date of the Will you are submitting to the court?

--	--	--	--	--	--	--	--

3.3 How many pages does the Will have?

--

3.4 Did the person who has died also leave any codicils, made since that Will?

☐ Yes, please provide the original document(s) with your application and list below the dates of the codicils you are submitting to the court.

--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--

☐ No

3.5 Did the person who has died have any Wills that were made outside of Northern Ireland?

☐ Yes

☐ No

3.6 Did the person who has died marry or enter into a Civil Partnership after the date of the Will or any codicils?

☐ Yes, please give the date of marriage or civil partnership

--	--	--	--	--	--	--	--

☐ No

Note 3 – A Will does not have to be a formal document.

Please make sure you send the **original Will** with your application. If you do not then this will delay your application.

The Will must be marked on the back with the applicant's initials, as this will form an exhibit to the application for a grant.

If you have been unable to locate the original will or any codicil (an addition or supplement that amends the will) and only have a copy and have made all reasonable attempts to locate the original please call 0300 200 7812

3.7 Name any executors who are **not** making this application, and explain why.

Reasons for executors not applying:

A – They died before the person who has died.

B – They died after the person who has died (Please include the date they died by their name).

C – Power reserved: they have chosen not to apply, but reserve the right to do so later. (Before you send off your application please **read NOTE REASON C**)

D – Renunciation: they have chosen not to apply, and give up all rights to apply. (Before you send off your application please **read NOTE REASON D**)

E – Power of attorney: they have appointed another person to act as their attorney to take a Grant of Representation on their behalf (You will also need to complete **Section 5** of this application). (Before you send off your application please **read NOTE REASON E**)

F – They lack capacity to act as executor. (Before you send off your application please **read NOTE REASON F**)

Note 3.7 – Executors are the first person who can apply for a grant. We need to know why any executors aren't included in this application. This includes any executors who have pre-deceased. **If you do not provide all of the information this will delay your application.**

Reason C form - can be accessed by searching 'probate reserve power' on nidirect.

Reason D form - can be accessed by searching 'probate renounce power' on nidirect.

Full name(s) of executor(s) not applying	A, B, C, D, E or F

Reason C

If any executors are having power reserved, you **must** get them to complete and sign a **Reserve Power** form and send it to us with this application (not required for legal professionals).

Reason D

If you state that an executor has given up their right to apply, **must** get them to complete and sign a **Renunciation** form and send it to us with this application.

Reason E

If you state that an executor wishes to appoint an attorney or they already have an attorney, you will need to provide one of the forms mentioned in **Section 4** with this application.

Reason F

If you state that an executor lacks capacity and are incapable of managing their property and financial affairs, you may wish to seek legal advice before completing this application. You will need to complete **Section 4** and include any relevant requested documents with this application.

- 3.8 ☐ I/we have included Reserve power, Renunciation or Power of Attorney forms (where required) or documentation with this application to account for all Executors who are not applying.

If you fail to include these forms, it will delay your application.

- 3.9 Are there any features of the Will that you wish to highlight that could affect the validity of the Will, such as the condition of the Will, or if it has been separated, why, who by and when?

☐ Yes - please give details in the box below

☐ No

- 3.10 Can you confirm the Will consisted of the pages now being submitted and no other pages or documents of a testamentary nature or other nature were attached.

☐ Yes

☐ No

Only answer this question if no executor to the will is applying

Question 3.11 is for legal professionals only

- 3.11 Having reviewed the order of priority, as set out in Rule 18 of Order 97 of the Rules of the Court of Judicature, please state what level the applicant qualifies to apply for a grant of representation.

Note 3.9 – For example, if the Will was separated for photocopying and stapled back together, please explain why this was done, when it was done and by whom.

4. Applying as an attorney

4.1 Are you applying as an attorney on behalf of one or more people who are entitled to apply for a Grant of Representation?

☐ Yes, complete the rest of this section

☐ No, go to section 5

Please give the full names of the person or people on whose behalf you are applying.

--

Please give their address/addresses

Building number and street

--

--

Second line of address

--

--

Town or city

--

--

County (optional)

--

--

Country (optional)

--

--

Postcode

--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--

4.2 Is a person on whose behalf you are applying unable to make a decision for themselves due to an impairment of or a disturbance in the functioning of their mind or brain?

☐ Yes, go to 4.3.

☐ No, go to 4.4

Note 4 – If you are applying on behalf of more than one person, please provide the information requested in this section for the other people you represent on a separate sheet of paper. We may need to send another form to you to give to the executor for them to sign, or you will need to provide one of the forms mentioned in this section.

You will need to send the signed attorney form to us with this application. The attorney of one executor and an executor acting in their own right may not jointly apply for a Grant of Representation.

The Power of Attorney form can be accessed by searching 'power of attorney - probate' on nidirect.

Note 4.2 – This applies if they lack capacity under the Mental Capacity Act (Northern Ireland) 2016 and are incapable of managing their property and financial affairs. You may wish to seek legal advice about this.

4.3 Has anyone been appointed by the Office of Care and Protection to act on behalf of a person on whose behalf you are applying including the right for a Grant of Representation?

☐ Yes, **please provide an official copy of the court order with your application.**
Now go to section 5.

☐ No

Except in cases where a Solicitor practicing in Northern Ireland, a Trust Corporation or an officer of the Crown acting in his official capacity is acting as an Attorney, all other attorney applications will require a guarantee to be submitted together with this application.

4.4 Has a guarantee been entered into in line with Rule 38?

☐ Yes, you must submit your guarantee with this application.

☐ No, your application can only proceed if the Probate Master has waived the requirement for Guarantee and you will need to provide evidence that the Master has done so when submitting this application.

4.5 Has a person on whose behalf you are applying appointed an attorney under an Enduring Power of Attorney (EPA)?

☐ Yes, **go to 4.6**

☐ No, **go to Section 5**

4.6 Has the Enduring Power of Attorney (EPA) been registered with the Office of Care and Protection?

☐ Yes, **please provide the original EPA (or a solicitor's certified copy of it certified on every page.) with your application**

☐ No, **this must be registered before proceeding with your application.**

Note 4.4 – The requirement for a guarantee is set out in Rule 38 of Order 97 of the Rules of the Court of Judicature (Northern Ireland) 1980. Guarantees must be in Form No.1 as per the above Rules.

Note 4.6 – An EPA must be registered with the Office of the Care and Protection before it can be used.

5. Foreign domicile

Note—If you answered ‘Yes’ to question 2.10, you don’t need to complete this section please go to Section 6.

5.1 What was the country where the person who died either lived permanently at the date of death or intended to return to live permanently?

5.2 Has an entrusting document been issued by the court where the person who has died was domiciled?

☐ Yes, **please provide the official document with your application; if it is not in English, please also provide an official translation.**
Go to Section 6.

☐ No

5.3 Has a succession certificate, inheritance certificate or equivalent document been issued by a court or Notary in the country of domicile of the person who has died?

☐ Yes, **please provide the official document with your application; if it is not in English, please also provide an official translation.**

☐ No

Note 5.2 and 5.3 –

An **entrusting document** is an official court issued document from the place of domicile which enables the person(s) named to collect the estate in and administer it in the same way that our grants of representation do.

A **succession certificate** or **inheritance certificate** is legal document that is usually issued by a civil court outside of the UK or a Notary Public that confirms who is entitled to the estate of the person who's died without leaving a will.

If you do not have any of these documents, you may wish to seek legal advice.

6. Inheritance tax

6.1 Which of the following inheritance tax forms have you completed?

- ☐ Form **IHT205**, **complete 6.2 then go to Statement of Truth**
- ☐ Form **IHT207**, **complete 6.3 then go to Statement of Truth**
- ☐ Form **IHT421**, (which has been stamped and authorised by HMRC) **complete 6.4 then go to Statement of Truth**

6.2 Provide the following figures from form **IHT205**.

Figure from box D

£

Figure from box F

£

(This figure will determine the probate application fee), **now go to the Statement of Truth.**

6.3 Provide the following figures from form **IHT207**.

Figure from box A

£

Figure from box H

£

(This figure will determine the probate application fee), **now go to the Statement of Truth.**

6.4 Provide the following figures from form **IHT421**.

Figure from box 3

£

(*Gross value of assets*)

Figure from box 5

£

(*Net value*)

(This figure will determine the probate application fee), **now go to the Statement of Truth.**

You must send this original IHT421 with your application after it has been authorised and returned by HMRC (Her Majesty's Revenue and Customs)

Note 6.1 – You **must** complete IHT205, or IHT207, or both IHT400 and IHT421.

You can find the inheritance tax forms by searching 'Inheritance tax forms' on GOV.UK

Note 6.2 – If the person who has died, died before 1 April 2011, it may affect which tax form you need to complete, so please ring HMRC Tax and Inheritance Helpline on **0300 123 1072**.

STATEMENT OF TRUTH

Proceedings for fraud by false representation may be brought (which carries a maximum of 10 years imprisonment, a fine or both) against the undersigned if it is found that the evidence provided is deliberately untruthful or dishonest, as well as revocation of the grant.

The undersigned is/are applying for a Grant of Probate and confirms:

- That the last will and any codicils referred to in this application is the last will and testament of the person who has died
- to collect the whole estate
- to keep full details (an inventory) of the estate
- to keep a full account of how the estate has been distributed

If the Probate Office asks the undersigned they will:

- Provide the full details of the estate and how it has been distributed
- Return the grant of representation to the court

and understand that:

- The application will be rejected if the information requested in this application or any additional documentation is not provided.
- Proceedings for fraud by false representation may be brought (which carries a maximum of 10 years imprisonment, a fine or both) against the undersigned if it is found that the evidence provided is deliberately untruthful or dishonest, as well as revocation of the grant.

The undersigned confirm to administer the estate of the person who has died in accordance to law, and that the application is truthful.

This statement of truth must be signed by all persons making this application.

You are signing this statement of truth to indicate that the facts stated in this application and any attached sheets are true and complete.

Name of first applicant

Signature

Name of legal representative’s firm (if applicable)

Date signed

Name of third applicant

Signature

Date signed

Name of second applicant

Signature

Date signed

Name of fourth applicant

Signature

Date signed

Please send the original form signed by all applicants and required documents with payment to:

NICTS Probate

Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF