

Referring cases to the Treasury Solicitor (BV) an overview for insurance companies



Information is available in large print, audio tape and braille formats.

The Treasury Solicitor (TSol) deals with the administration of an estate when someone has died without leaving a Will, spouse, civil partner or entitled relatives. In these circumstances, their estate becomes *bona vacantia* (ownerless goods) and TSol will undertake the administration of the estate on behalf of the Crown.

When should I refer a case to TSol?

If the deceased died without leaving a valid will and without leaving any entitled surviving relatives, you should refer the estate to TSol.

You will need to ascertain whether the deceased:

1. has left a valid will?
2. has left any surviving blood relatives who may be entitled to share in the estate?

N.B. If the net estate is less than £500, TSol will not deal with the estate and you may retain the money.

Who Is An Entitled Relative?

The deceased's husband, wife or civil partner and then any children would have first claim in the absence of a valid will to the contrary.

After the above, anyone descended from a grandparent of the deceased would be entitled to share in the estate in priority to the Crown. Not all blood relatives are entitled, for example a second cousin is not entitled by law to share in the estate.

A similar confusion arises with a half-brother and a step-brother (or sister). A half-brother shares a common parent with the deceased (i.e. that parent has married twice and has produced a child of each marriage) and is entitled. A step-brother does not share a common parent with the deceased (i.e. one of the deceased's parent has married someone who already has a child) and is not entitled.

If you are not sure whether a relative is entitled to share in the estate, please check the family tree on our website:–

www.bonavacantia.gov.uk

How to refer a case to us

When you refer a case to us, we need to have details of:–

- the deceased person's full name and address,
- the date and place of death. If a Death Certificate has been sent to you, please forward a copy,
- the person/ organisation who notified you of the death,
- the funeral expenses,
- the full policy numbers,
- the sum or sums payable under the policy/ policies,
- whether the policy/ policies were nominated or assigned. We also need to know the full name and last known address of the nominee or assignee.

Funeral Expenses

The funeral expenses are the first legal charge against the estate so can be paid from the deceased's account prior to an administrator being appointed. If you pay the funeral expenses, please send a copy of the receipted bill when referring the matter to the Treasury Solicitor.

Money Laundering

In accordance with good practice, and with the aim of preventing money laundering, the Treasury Solicitor (as the Crown's Nominee for dealing with assets that vest in the Crown as bona vacantia) operates in accordance with the principles laid down in Part VII of the Proceeds of Crime Act 2002 ("the Act") and the Money Laundering Regulations 2003 ("the Regulations").

For that reason, the Treasury Solicitor makes such enquiries as are deemed necessary to comply with the Act and the Regulations, including obtaining evidence of identity from those with whom we do business and retaining such evidence in accordance with our record-keeping procedure.

Getting in touch

We hope that the information in this leaflet is helpful.

If you need any more information you can visit our website:–

www.bonavacantia.gov.uk

or you can contact us at:

The Treasury Solicitor (BV)

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London

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E-mail us: bvinfo@tsol.gsi.gov.uk

