

# Banking Practices Protocol

## *Estate Administration*

This protocol has been agreed between the British Bankers' Association, the Law Society of England and Wales and the Society of Trust and Estate Practitioners. The purpose is to bring clarity to probate-related dealings between advisors and banks. It covers the handling of current, savings, credit card and unsecured loan accounts but does not necessarily apply to investment, pensions or insurance matters, or to accounts held by associated companies or businesses.

**Set out below is the information that the banks will normally require from the solicitor/STEP member on first contact or shortly afterwards. If this information is provided, delays in dealing with accounts or investments will be reduced.**

1. Sight of an official copy of the Register (i.e. death certificate) issued by the General Register Office or the solicitor's death certificate verification form. Where a death certificate has not been issued as an inquest is required some banks will accept an interim certificate issued by the coroner.
2. Date of death.
3. List of deceased's names in which accounts were or may have been held, and the last address of the deceased prior to death or admission to hospital/nursing home etc. Also the date of birth of the deceased.
4. Account numbers and sort codes of relevant accounts where these are known.
5. Verification of the status of the solicitor/probate practitioner to include confirmation of authority to act on behalf of executors (where the deceased left a will) or next of kin (where deceased left no will). In the case of solicitors a letter on headed paper with the Solicitors Regulation Authority registration number quoted should ensure that delay is kept to a minimum. The verification procedure for STEP members who are not solicitors to be agreed direct between STEP and the individual bank. Confirmation that the enquirer is a STEP member can be obtained by reference to that member's inclusion on the STEP website – [www.step.org](http://www.step.org)
6. Correct address for correspondence in connection with the accounts of the deceased.
7. Approximate value of the estate where available.
8. Information confirming the existence of the will and the names of executors. Banks may require sight of the original will or a solicitor certified copy of the will.

**Set out below is the information that the solicitor/STEP member is likely to require from the bank and also an outline of how the bank might normally respond to such requests. (Some banks may require the consent of the surviving account holder before releasing information on joint accounts.)**

9. Confirmation of the numbers of all accounts in the name of the deceased, including those held jointly, subject to the solicitor/STEP member providing the full name and address of the deceased. It is the practice of some banks to require the consent of the surviving account holder before releasing information on joint accounts.
10. Details of the balances on all accounts (including joint accounts) at the date of death and, where appropriate, the amount of accrued interest to the date of death. Movements on all accounts between the date of death and the date of the bank providing account information where this is specifically requested. It is the practice of some banks to require the consent of the surviving account holder before releasing information on joint accounts.

11. Where a specific request is made, the bank would place current account balances on deposit, and confirm that this has been done, pending closure on production of the grant of representation. Individual banks may wish to invoke particular procedures in regard to this provision.
12. The provision of access to the solicitor/STEP member or an agreed agent to inspect and value any items that the bank is holding in safe custody on behalf of the deceased.
13. Where a specific request is made, provision of a certificate showing any interest paid and tax deducted during the period from 6 April last to the date of death (and for the previous tax year).
14. Where a specific request is made, details of all standing orders and direct debits in force at the date of death and confirmation that a stop has been placed on them where they relate to an account in the sole name of the deceased. Where the account is in joint names, the instructions of the survivor will be required to cancel any standing orders or direct debits.
15. Where a specific request is made, confirmation that the bank will allow the balance on accounts to be used before production of the grant of representation for payment of inheritance tax and the funeral bill. The bank may also allow these funds to be used for the payment of probate fees. The bank may require copies of relevant documentation, in accordance with the individual bank's procedures. Irrespective of the purpose of a release of balances the bank may require an indemnity or possibly a solicitor's undertaking. In all cases this confirmation is subject to the exercise of the bank's right of set-off to the extent permitted by law where there are also debts due to the bank.
16. Confirmation that the correct address for correspondence has been noted on all accounts in the name of the deceased. When requested correspondence should be sent to the solicitor/STEP member acting for the deceased's legal representative. It is the practice of some banks to require the authority of the executor or next of kin before doing this.
17. The bank will aim to respond to the requests made under paragraphs 9-16 above within 15 working days.

### **Account Closure**

18. On closing an account, the bank to confirm that the account has been closed; the closing balance will be sent within a reasonable time.
19. Closing bank statements and the closing balance to be sent to the solicitor/STEP member acting for the deceased's legal representative unless the legal representative advises the bank otherwise. Where a specific request is made bank statements from the date of death to closure will be provided. A fee may be payable for the provision of bank statements from the date of death to closure.
20. When a deceased holds both credit and debit balances with the bank, the bank will apply set-off rules to the extent permitted by law, providing the solicitor/STEP member with settlement on the net figure. The solicitor/STEP member will be advised of the net figure by letter or an assets and liabilities pro forma. The types of accounts covered in calculating a net balance will include: savings accounts, current accounts, unsecured loan accounts and credit card accounts.
21. The time periods suggested in relation to account closures are:
  - a.) Closing balance to be sent no more than ten working days after receipt of grant of representation (either the original or official copy required) and the legal representatives' signed closure instructions – the period could be longer for accounts other than current and normal savings accounts or in circumstances where safe custody assets have not been collected.
  - b.) Closing balance statement to be sent no more than the ten working days from closure of the account.
22. Without a grant of representation the bank may, at its discretion, require a signed indemnity form if it is prepared to release balances in the deceased's bank accounts.