



Personal Possessions and Death

What is a 'personal possession' for probate purposes?

Personal possessions ('chattels') covers all manner of items – essentially most tangible assets that a person owned at the date of their death. The main exclusion is items which are not exclusively 'personal' but also or only used by or within a deceased person's business - these are covered separately in the valuation of that business.

How are chattels valued?

The basis of valuation is s160 IHTA 1984 which is essentially the market value of the item as at the date of death (but not on a forced sale basis). With such a range of items that this term covers, there are a range of valuers potentially needed. For standard house contents, we usually request a valuation from a local antiques dealer or the house clearing agent. Auction house representatives can be approached to value jewellery, antiques and works of art. Vehicles can often be valued online or by mechanics.

Might I need a Grant to deal with chattels?

If there is a valid Will and one or more of the executors named in it agree to act, that executor can deal with the item in advance of the Grant on the basis their authority derives from the Will and the Grant just endorses this. However, if the purchaser of the item requires proof that the executor has authority to deal with the item, that will be difficult to provide pending the issuing of the Grant naming them.

Where there is no Will, an intending administrator has even less authority to deal with items until the Grant issues. However, a third-party purchaser may be happy to deal with an intending administrator in clear cut cases – for example where the intending administrator is the deceased's spouse (a spouse being entitled to apply for the Grant and who also takes all the chattels and the majority of the estate under the English intestacy rules).

How do I deal with chattels?

Where the deceased has left a Will, there may be one or more provisions dealing with the deceased's chattels. Often, this can specify that the chattels be distributed at the discretion of their executors and there might be an accompanying letter of wishes which provides more information as to how the deceased wished their chattels to be dealt with.

Chattels can be a difficult part of the administration. Often items have significant sentimental value and, when deciding how to distribute, conflicts can arise. In homemade wills we have encountered long lists of items which can mean a lot of legal time matching what exists as at the death. For example, in a jewellery collection comprising a number of items, simply listing 'gold necklace' can cause problems.

