

A photograph of two women sitting at a table. The woman in the foreground is wearing a white lace top and has her chin resting on her hand. The woman behind her is wearing a blue top and has her hand on the first woman's shoulder. They are both smiling warmly at the camera. The background is slightly blurred, showing what appears to be a kitchen or dining area.

[www.theNBS.org](http://www.theNBS.org)

# Confirmation In Scotland what is it all about?

**Tel:** 0800 024 6121



National  
Bereavement  
Service

## What is Probate?

### (referred to as Grant of Confirmation in Scotland)

This is the process that gives a person the legal power to collect and distribute the assets of the deceased person's estate (everything the person owned).

Not all estates need a Confirmation but this depends on the individual circumstances and assets belonging to the deceased.

## Checklist, what to do first?

- ☐ Check to see if there is a Will
- ☐ Establish if Confirmation is required
- ☐ Establish who the Executors are  
Locate all beneficiaries under the Will or follow the Rules of Intestacy
- ☐ Locate all beneficiaries under the Will or follow the Laws of Intestacy
- ☐ Locate all of the assets that will form part of the estate
- ☐ Determine what debts there are within the estate
- ☐ Call NBS to discuss which probate forms are needed or visit [www.thenbs.org](http://www.thenbs.org)

## Is Confirmation always required?

When someone has died, there are several things you need to examine to determine if Confirmation will be needed:

- If there is heritable property to be transferred or sold then Confirmation is always needed.
- Each financial organisation sets their own threshold for requiring a Grant. It is always advised to contact the company to check their specific policy or to seek legal advice.

## I need help to determine whether confirmation is required!

It can often be unclear whether confirmation is required. If you need any guidance on finding out whether it is needed please call our helpline on 0800 024 6121.

## Applying for Confirmation

Once it is determined that Confirmation is necessary, you need to know who has the right to apply. If there is a Will, the Executors named in the Will, have the right to apply. If there is no Will, a beneficiary under the Laws of Intestacy in Scotland can apply to be appointed as the Executor of the estate, they can then collect and distribute the assets according to the Intestacy Laws. The Executor needs to decide how to deal with the estate and can either

use a professional to deal with it or deal with the process themselves. After Confirmation has been obtained the Executor can collect the assets, pay any debts and distribute to the beneficiaries. The role of the Executor carries considerable responsibility and if you need any guidance, please call us.

## Does it take long to administer the estate?

The Confirmation process involves a number of legal steps and can take from several months to a year or more to be completed. Delays in dealing with an estate can be caused by assets held outside of the UK, the Will being contested or missing essential documents.

## Help when you need it most!

Losing a loved one is often an emotional and difficult time and we are here to provide guidance and support when you need it. We explain what probate is in simple terms and anything else related to bereavement.

**Tel: 0800 024 6121 Or visit: [www.theNBS.org](http://www.theNBS.org)**



## You Are Not Alone.

The National Bereavement Service is here to support you with information and guidance or simply a listening ear.

**Phone:** 0800 024 6121

**NBS Chat:** [www.theNBS.org](http://www.theNBS.org)

**Email:** [info@theNBS.org](mailto:info@theNBS.org)

**Monday – Friday** 9.00am – 6.00pm

**Saturday** 10.00am – 2.00pm

