

# Do I need probate? (decision tree)

England & Wales · Decision tree · Reviewed June 2026

Whether probate is needed depends on how each asset was owned, not just the estate's total value. Work through the questions to see if a grant is likely required.

## Work through the tree

**Step 1.** Did the deceased own property in their sole name, or as tenants in common?

- Yes → Probate is normally needed. Property in a sole name (or a tenant-in-common share) usually requires a grant before it can be sold or transferred.
- No → go to step 2

**Step 2.** Are there bank, savings or investment holdings above the provider's release threshold (commonly £5,000–£50,000)?

- Yes → Probate is likely needed. Most banks require a grant before releasing larger balances. Each institution sets its own threshold.
- No → go to step 3

**Step 3.** Was everything else jointly owned as joint tenants, or held in trust or paid by nomination?

- Yes → Probate is usually NOT needed. Assets passing by survivorship, trust or nomination transfer outside the estate, so a grant is often unnecessary.
- Not sure → Check with the asset holders. Ask each bank or provider whether they will release funds without a grant; thresholds and rules vary.

## Possible outcomes at a glance

- Probate needed where there is solely-owned property or substantial bank/investment holdings.
- Probate usually not needed where everything passes by survivorship, trust or nomination, or the estate is small.
- Each bank sets its own threshold (often £5,000–£50,000) for releasing funds without a grant.

## Sources

- GOV.UK — Applying for probate: when probate is needed
- HM Land Registry — Transferring ownership after death
- Citizens Advice — Dealing with the estate of someone who has died