

Who inherits if I die? (decision tree)

England & Wales · Decision tree · Reviewed June 2026

Follow the questions to see who would inherit your estate. If you have a valid will, it governs; if not, the intestacy rules apply in a fixed order.

Work through the tree

Step 1. Did you leave a valid will?

- Yes → Your will decides. Your estate passes exactly as your valid will directs. The rest of this tree only applies if there is no will.
- No → go to step 2

Step 2. Do you have a surviving spouse or civil partner?

- Yes → go to step 3
- No → go to step 4

Step 3. Do you also have children?

- No → Spouse inherits everything. With no children, your spouse or civil partner takes the entire estate.
- Yes → Shared between spouse and children. Your spouse takes your personal possessions, the first £322,000, and half the rest; your children share the other half equally.

Step 4. Do you have children (but no spouse)?

- Yes → Children inherit everything. Your children share the whole estate equally; a deceased child's share passes to their own children.
- No → Passes to other relatives — or the Crown. The estate goes to parents, then siblings, then more distant relatives in order. If none qualify, it passes to the Crown. Unmarried partners and unadopted stepchildren never inherit under intestacy.

Possible outcomes at a glance

- With a will: your estate passes exactly as you direct.
- Spouse + children: spouse takes chattels + first £322,000 + half the remainder; children share the other half.
- Spouse, no children: spouse inherits everything.
- Children, no spouse: children inherit equally.
- Neither: parents → siblings → other relatives → the Crown. Unmarried partners and unadopted stepchildren get nothing.

Sources

- Administration of Estates Act 1925 (as amended) — legislation.gov.uk
- The Administration of Estates Act 1925 (Fixed Net Sum) Order 2023 — legislation.gov.uk
- GOV.UK — Inheritance: rules when there's no will