

FRASER  FRASER
SINCE 1969

GENEALOGISTS AND INTERNATIONAL
PROBATE RESEARCHERS



The **truth** about next-of-kin enquiries

Nick Beetham

Business Development Manager, Fraser and Fraser

Fraser and Fraser

- | Working with Public Sector since 1969
- | Tracing next of kin / relevant people generally
- | Raison d'être
 - | To be helpful
 - | Enable officers to outsource

Next-of-kin enquiries on s.46 PHA funerals

- | Statutory duty to arrange funeral
- | Next-of-kin to arrange?
- | Next-of-kin to attend?

Do next-of-kin exist?

- | Generosity of the relevant rules
 - | Eight classes of kin entitled in priority to the Crown or either Duchy
- | National demographic
 - | We all have family
- | Overwhelming probability that next-of-kin exist



The role of the professional genealogist

- | UKGDPR
 - | Does not apply to date of deceased persons
- | Systematic professional approach delivered by experts
- | Up to date resources, experience to get the most from them
- | Research correct, complete, conclusive
- | You are in contact with next of kin in as little as one day

The role of the professional genealogist

- | Avoid cost of s.46 funeral?
 - | Where the deceased has left an estate
 - | Liaise with family to take funeral out of s.46; or...
 - | Reimburse Council promptly
- | **BUT...**
 - | Do not pick and choose cases
 - | Do not distinguish based on wealth at death





The role of the professional genealogist

- | Is the Council a creditor of the estate?
- | Settle up with Council as a matter of priority
 - | Funeral account
 - | Unpaid Council Tax
 - | Outstanding care home fees

The role of the **Bona Vacantia** authorities

- | Bona Vacantia Division of Government Legal Department
 - | Administer estates in favour of the Crown
 - | But generosity of rules and National demographic??
 - | Nearly all referrals unnecessary

The role of the **Bona Vacantia** authorities

| BVD does not deal with estates where:

| there are known or are likely to be entitled relatives who survived the deceased even if these have subsequently died, cannot be traced or do not wish to deal with the estate.

The role of the **Bona Vacantia** authorities

| Quotation from Head of BVD:

| *“Our position is that as over 80% of estates referred to the Government Legal Department (GLD) each year are not bona vacantia, we should aim to give up the Crown’s interest in such estates as quickly as possible.*

| *Ideally, of course, our preference would be that these estates are not referred here in the first place as it is not appropriate that GLD is used as a tracing agency for missing kin or executors.*

| *Furthermore, it is our view that before anyone refers an estate to GLD they should be as sure as they can be that the estate is, in fact, bona vacantia.”*



The role of the professional genealogist

- | Identify and locate next of kin
 - | Whether or not there's an estate or its value
 - | Provide a useful service to Councils and next-of-kin

The Fraser and Fraser Public Health Funeral Guarantee

- | Starting point:
 - | Next-of-kin do exist and can be found
- | But if no evidence of next-of-kin
 - | Grant from Fraser and Fraser to fund cost of s.46 PHA funeral



Any Questions?

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