



WHAT TO DO WHEN SOMEONE DIES?

ANGEL POVEDA

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IS THERE A DIFFERENT PROCESS IF SOMEONE DIES AT HOME OR IN HOSPITAL?

IN HOSPITAL

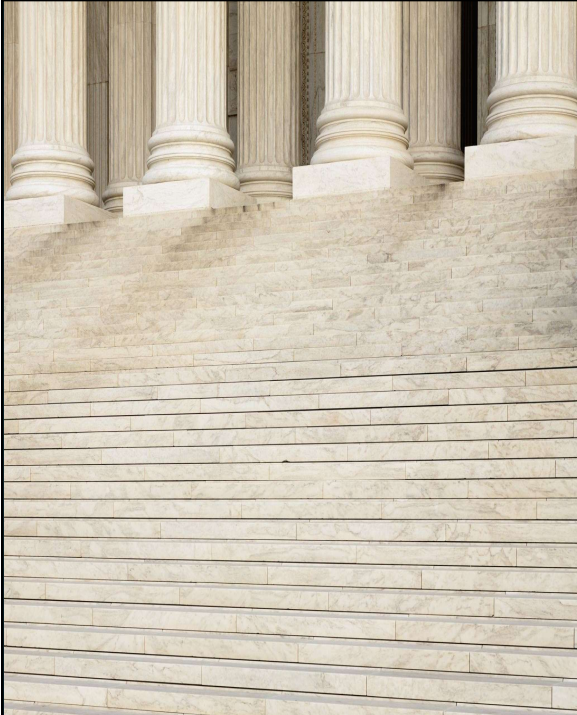
- ▶ Hospital authorities will make the initial administrative arrangements



AT HOME

- ▶ Call 112 multi-lingual emergency service or Policia Municipal 092. They will advise the 'Juez Forense' (Forensic Judge) who will come to the home to assess the situation and order the removal of the body. **DO NOT TOUCH OR MOVE THE BODY**
- ▶ If the decedent had been receiving medical care, contact the doctor, if you can, to certify the death.
- ▶ Contact the local tanatorio
- ▶ If the death occurs in public place the police Will take control

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JUDICIAL CASES

- ▶ If the forensic judge or doctor who attends is in any doubt as to the cause of death it is deemed a judicial case and an autopsy will be necessary.
- ▶ The deceased will be taken to the Instituto Anatómico Forense where the autopsy will be carried out.
- ▶ Once the cause of death has been ascertained, the court Will issue the permits for the body to be released.

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HOW DO I GET THE DEATH CERTIFICATE?

There are two types of death certificate:



Extracto & Literal

- ▶ Extracto: contains the basic information necessary
- ▶ Literal: This gives all information relevant to the death. Available in three or four days in Registro Civil or Juzgado de Paz (C/d' Avall, Javea)
- ▶ Certificate needed for: Spanish bank accounts, life insurance policies, others

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ARRANGE A FUNERAL



Burial Licence

Issued once death registration has been finished.

Cremation – must be especially authorised in a Will or other written document

Funerals are normally held 24-48 hours after death, but can be delayed for a cost



Documents and other information

Passports for you and the deceased

Forenames of mother & father of the deceased

Sign the appropriate docs. according to the services contracted

Incl: Personal jewellery is to be removed or not etc.

Funeral insurance



Expenses

Costs vary from location to location. Common burial method is a coffin placed in a recess in a niche

Repatriation of body is expensive and a certificate is required. The same for ashes.

There is a list of funeral directors in Spain provided by UK Government

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WHO SHOULD I NOTIFY OF A DEATH?

- ▶ REGISTRO CIVIL OF MADRID
- ▶ HM REVENUE AND CUSTOMS
- ▶ DEPARTMENT OF WORK AND PENSIONS IN UK
- ▶ INSS – if person was receiving a Spanish state pension
- ▶ BANKS
- ▶ INVESTMENT HOLDERS
- ▶ INSURANCE COMPANIES
- ▶ PRIVATE PENSIONS

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PROBATE

ASSETS IN SPAIN

1. Apply to the Registro Civil in Madrid for the 'certificado últimas voluntades' (latest registered Will). Easier through a lawyer - need a death certificate, pay tax, form 790.
2. Process starts with the Notary who will prepare the inheritance deeds
3. Any heirs not in Spain can appoint a representative (power of attorney)
4. To prepare the deeds it is necessary to provide a list of assets and debts, investments and bank accounts
5. After signing the inheritance deed, tax has to be paid to the Generalitat Valenciana (6 months or ask for extensión of 3 months)
6. Properties will be registered in the name(s) of beneficiaries
7. Finally pay Plusvalia tax - the Town Hall tax on the increase in value of the land
8. All British documents must be translated and apostille

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PROBATE

ASSETS IN UK

- ▶ Assets held in a country other than UK are subject to the law of that country
- ▶ If the deceased has left a British Will appointing an Executor, that person should be contacted immediately and should be sent an original copy of International death certificate
- ▶ If no Executor, two courses: you can appoint someone in UK or do the work yourself
- ▶ As you will have to go to the Probate Office for a personal interview, it is wise to choose an office within easy reach
- ▶ Some lawyers in Spain have agreements with lawyers in the UK to handle the UK side of Wills. Check if yours does.

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WHAT TO DO IF THERE IS NO WILL?

Art 9 CC the law applying to inheritance would be the national law of the deceased

Art 930 CC list of beneficiaries

Children and spouse: spouse usufructo and 1/3 estate
descendent remainder in equal shares

Ascendent and spouse: Spouse 100% Usufructo and 50% estate
Parents the rest

No descendants or ascendants:
Spouse inherits all

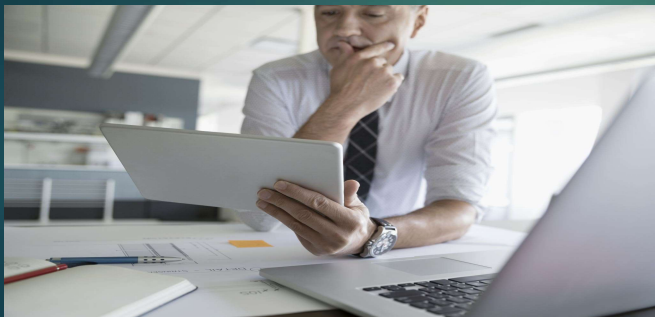
No spouse:
collaterals: brothers, sisters inherit

No colaterals:
An Estate is left

If the succession should apply English or Spanish law

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BANK ACCOUNTS



The Bank will freeze the accounts once they have knowledge that a holder has deceased, even if it's a joint account

Art 8 Law 29/1987 LISD the bank will protect itself and block withdrawals in order to avoid any liability and also to prevent the tax authorities from claiming unpaid tax from the bank.

Good advice is to have a separate account each to make it easy to continue all necessary direct debits and access to cash.

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