



Your guide to **Making a will**

Who should make a will?

If you care about what happens to your property after you die, you should make a will. Without one, the state directs who inherits, so your friends, favourite charities and relatives may get nothing. Having a will also makes it easier for your loved ones when you die.

It is particularly important to make a will if you are not married or are not in a registered civil partnership (a legal arrangement that gives same-sex partners the same status as a married couple). This is because the law does not automatically recognise cohabitants (partners

who live together) as having the same rights as husbands, wives and civil partners. As a result, even if you've lived together for many years, your cohabitant may be left with nothing if you have not made a will.

A will is also vital if you have children or dependants who may not be able to care for themselves. Without a will there could be uncertainty about who will look after or provide for them when you die.

Your solicitor can also advise you on how inheritance tax may affect what you own.





You should also consider taking legal advice about making a will if:

- several people could make a claim on your estate when you die because they depend on you financially;
- you want to include a trust in your will (perhaps to provide for young children or a disabled person, save tax, or simply protect your assets in some way after you die);
- your permanent home is not in the UK or you are not a British citizen;
- you live here but you have overseas property; or
- you own all or part of a business.

After you have had a will drawn up, some changes to your circumstances – for example, marriage, civil partnership, separation, divorce or if your civil partnership is dissolved (legally ended) – can make all or part of that will invalid. You should review your will regularly, to reflect any major life changes. A solicitor can tell you what changes may make it necessary to update your will.

Using a solicitor

Making a will can be a complex process and there are various legal formalities you need to follow to make sure that your will is valid. Without the help of an expert, there's a real risk you could make a mistake, which could cause problems for your family and friends after your death.

Solicitors are regulated and have the necessary qualifications and training to address the often complex issues associated with drafting a will and can help ensure your estate is left to those you wish to inherit after your death.

Finding a solicitor

You might want to look for a solicitor who is a member of the Law Society's Wills and Inheritance Quality Scheme (WIQS). By choosing a member of this scheme you can be sure that your solicitor meets the high standards set by the Law Society. You can find details about WIQS members at www.lawsociety.org.uk/wiqs-accredited or you can call **020 7320 5650**.

Search for a WIQS accredited practice

Use our Find a Solicitor website to find a Law Society accredited wills and inheritance practice near you.

Go to: www.lawsociety.org.uk/wiqs-accredited



What your solicitor will need to know

If you have appointed a solicitor to write your will, they will need the following details from you.

What you own

Details of everything you own, including property, cars, personal valuables, stocks and shares, bank accounts, insurance policies, any businesses you own, and pensions.

Who gets what?

Who do you want to leave these assets to? How do you want to divide your estate between your loved ones, friends or charities? Are there any conditions you want to attach to these gifts (for example, that young people must reach a particular age before they are paid money you have left them)?

Family and other beneficiaries

Details of your family and status. Are you divorced or has your civil partnership been dissolved? Have you remarried or entered into a new civil partnership? Or are you living with someone without being married to them or being their civil partner? Do you have any children or any other dependants?

Anyone who depends on you financially can ask a court to review your will if they feel you have not provided properly for them. If you give your solicitor relevant details, they can tell you about any possible legal pitfalls.

Guardians

If you have any children who may be under 18 when you die, you may need to name someone as their legal guardian.

Other wishes

Do you have any particular wishes for your funeral? Do you want to be buried or cremated? Are there any other instructions? For example, if you want to be an organ donor this can be included in your will, although it won't be legally binding. However, it is also a good idea to record your wishes on the organ-donor register, or to carry an organ-donor card.

Executors of your will

You must also name the people you want to appoint as executors of your will – the people who carry out the administration of your will after your death. These could be friends or family members, or a professional such as your solicitor. Ideally, you should choose someone who is familiar with financial matters. Make sure you ask your executors whether they are happy to take on this duty as there are long-term responsibilities involved.

Signing the will

Once the will has been drawn up it is not effective until it has been signed. There are several rules affecting the signature process which, if not followed correctly, will make your will invalid. For example, witnesses and their husbands, wives or civil partners cannot benefit under the will.

What your solicitor will need to know

What you own



Guardians



Who gets what?



Other wishes



Family and other beneficiaries



Executors of your will



Where to keep the will

It is important to keep your will in a safe place and tell your executors, a close friend or relative where it is. People often ask their solicitor to store their wills for them, which may incur a small fee.

Keeping your will up to date

You should review your will at least every five years and after any major life change such as getting separated, married or divorced, having a child or moving house. It is best to deal with any major changes by getting a new will drawn up. But it is also possible to make minor changes (codicils) to your existing will. In both cases it is best to consult a solicitor.

Costs

Charges for drawing up a will can vary between solicitors and can depend on how complicated your will may be.

Before you decide who to use, you can check with a few solicitors to find out how much they charge. But remember that cost should not be the only consideration. It is equally important to find a solicitor who is approachable and whose advice you understand.





Looking for help with a legal issue?

Most of us need expert legal help at some point in our life. The law can be complicated so it is important to get the best advice you can. This free guide is part of a series looking at common legal issues that are designed to help you get the right advice. They explain the legal process and terms, how a solicitor can help, timescales and costs involved in getting advice, as well as information you may need to provide.

Our free guides cover common legal issues, including: relationship breakdown and family conflict, moving house and renting, help with a will, personal injury or claiming asylum.

Download the guides free from our website: www.lawsociety.org.uk/for-the-public

Find a Solicitor

The Law Society's Find a Solicitor is a free website for anyone looking for information about organisations or people providing legal services in England and Wales that are regulated by the Solicitors Regulation Authority (SRA).

Use 'quick search' to find your nearest legal adviser who can help with your legal issue. You can also identify individuals or organisations that hold one of our accreditations to help you find legal advice quickly and confidently.

Find your nearest solicitor:
solicitors.lawsociety.org.uk



Wills and Inheritance Quality Scheme (WIQS)

Our WIQS accreditation is awarded to those that follow best practice procedures to meet the highest standards of technical expertise and client service in providing wills and probate advice.

It is only open to law firms and other organisations that are authorised and regulated by the SRA.

Find your nearest WIQS accredited practice:
www.lawsociety.org.uk/wiqs-accredited


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We can make the information in this leaflet available in other formats on request.

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The Law Society

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