

Alison Fielden & Co.

Solicitors & Notary Public

FACTSHEET

Making a Will - Answers to Common Questions

Why is it important to make a Will?

If you die without making a Will, the law dictates how your money and property (your Estate) should be given away. This may not be the way that you would have wished your Estate to be distributed.

I am not married. Will my partner receive my Estate automatically when I die?

If you are unmarried partners (or an unregistered Civil Partnership) you cannot inherit from each other unless you have made a Will specifying this, which could create serious financial problems for the surviving partner, if one of you were to die.

I have children, should I make a Will?

The short answer is Yes. A Will enables you to state what arrangements are to be made for the children if either one or both parents die. For example, you can appoint guardians for your children in your Will.

Can a Will be used for Inheritance Tax planning?

Yes, it may be possible to reduce the amount of inheritance tax payable if advice is taken in advance of your death, when your Will is made.

If my circumstances change, should I change my Will?

Yes, for example if you are separated and your spouse/partner now lives with someone else, you may want to change your Will. If you get married, or enter into a registered Civil Partnership, this will make any previous Will that you have made, invalid. If you are divorcing, you may also want to change your Will.

Do I have to use a Solicitor to make a Will?

There is no requirement for a Will to be prepared by a Solicitor. However, if you attempt to make a home-made Will, these are often fraught with problems and, in the event of your death, can cost a great deal of money to put right. Errors in witnessing Wills are particularly common and can make them invalid. It is advisable to get your Will professionally prepared.

What should be included in a Will?

You should consider things such as:

- how much money and what property and possessions you have
- whom you want to benefit from your Will
- whom you don't want to benefit from your Will – and why
- you may also consider giving money to charity - such gifts are free of inheritance tax
- if you have children under the age of 18 you should consider appointing guardians for your children

- you also need to consider who will administer your Estate and carry out your wishes. These people are called your Executors.

Can my Executors be beneficiaries to my Will?

Yes they can.

Beneficiaries of your Will, however, cannot be witnesses to your Will.

I should like to make a Will. What should I do?

Please telephone our offices and we shall be pleased to arrange an appointment. We shall discuss matters thoroughly with you and take your instructions. We shall prepare a draft Will for you to consider and, following your approval, shall meet you again for the signature of your Will.

Please note that for **money laundering requirements** you will be asked to provide proof of your identity such as an up-to-date bank statement or utility bill (dated within the last 3 months) and a valid passport or driving licence.

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