

Making a will

Introduction

This is one in a series of leaflets produced by Gorvins, which are aimed at providing practical help to those unfamiliar with the law. As with any such leaflet, it cannot be exhaustive but hopefully it will be a useful starting point. If you have any questions or need any further help or advice on any of the matters raised in this leaflet, please let us know.

At the end of the leaflet you will find a list of some of the other leaflets we produce free of charge. If you would like copies of any of these, please let us know.

Why should I make a Will?

There are lots of reasons why everyone should make a Will and no good reason for not doing so. Here are just a few of the reasons why you should:

- You have control over what happens to your assets and possessions when you die.
- You can include specific funeral wishes.
- You can appoint an executor - someone you trust to deal with your property and affairs when you die.
- You can appoint guardians to look after your children.
- You can provide that your children do not inherit until they are, for example, 21 or 25. If you do not make a Will, anything they inherit will pass to them at the age of 18.
- You can make specific gifts, for example small amounts of money to friends. If you do not make a Will, the Intestacy Rules set out a strict order of who will benefit and what they will receive.
- You can leave money to charities.
- Tax Planning – you can include provisions in your Will to reduce or even avoid Inheritance Tax becoming payable on your death.
- You can provide for a friend or an unmarried partner.
- Peace of Mind.

- Not making a Will can lead to all sorts of complications and consequences. It can be much more expensive to administer your estate, which would mean that your family receive less.
- If you have children from a previous marriage or relationship it is very important that a will is drawn up to provide for those children, otherwise they may not receive anything from your estate.

It does not matter if you do not have a particularly large estate. Some of the above points will still apply to you and it is always worth making a Will.

How do I make a Will?

To be able to make a Will, you must be at least 18 years old (or younger and on military service) and have the mental capacity to understand both the nature and effect of making a Will. The Will must be in writing and signed and witnessed in accordance with set legal formalities. You must not be influenced by anyone else but must make the Will because you want to and in the way you want to.

A Will need not be complicated or expensive. We can prepare straightforward Wills at a reasonable cost and we can store your Will free of charge in our strongroom if you would like us to.

There are lots of “DIY” Will-making packages available. Be wary of these – if they do not comply with the legal formalities, they can be invalid. Also, if the drafting is ambiguous it can cause difficulties in the administration that are expensive to resolve. If you want to include any trusts or tax planning provisions especially, we would strongly advise you to have your Will drawn up by a solicitor. They will ensure that your Will actually achieves what you want it to and that it is legally valid.

What does a Will say?

Your Will will be a combination of legally binding clauses, administrative provisions and clauses which are not legally binding but reflect a particular wish you might have, for example as regards your funeral.

The typical lay-out of your Will might be as follows:

1. Statement giving your full name and address and that this is your final Will.
2. Any funeral wishes you might have.
3. Appointment of your Executors. We are happy to act as your Executors if you so desire.
4. Appointment of guardians.
5. Specific gifts to individuals or charities.
6. Tax Planning provisions. We can provide specialist advice on tax planning, both in Wills and during your lifetime. Please let us know how we can help.
7. Trusts. Where there are young children, trusts will be an essential feature of your Will. They can also be used for tax planning – please see our other leaflets, listed below, for more information or contact us direct.
8. Provisions dealing with your personal belongings, such as jewellery or paintings.
9. A clause dealing with the rest of your estate (called the Residue in Wills).
10. Administrative provisions, enabling your executors and trustees to deal with your estate fully.

Wills are very flexible and we always tailor your Will to suit your particular needs. They are all individually drafted and we do not attempt to make you fit a "standard" Will.

Your Will is secret during your lifetime. You do not have to show it to your Executors or anyone else. After your death, when the Executors have obtained the Grant of Probate, the Will is a public document and a copy is available to anyone on payment of a small fee.

Can I change my Will?

Once you have made a Will, it should be reviewed regularly. If there are any major changes in your life (for example, if you have children, or buy a company) then it is important that you make a new Will. We recommend that you review your Will in any event every 3 to 5 years. If you get married, your Will is cancelled on that marriage and if you get divorced, the Will takes effect as if your ex-spouse had died before you. It is important that your Will reflects your current circumstances and carries out your wishes.

If you wish to make small changes to your Will, we can prepare a Codicil for you. This is usually cheaper than making a new Will, but is only suitable for very small changes.

Can my Will be changed after my death?

It is possible, in certain circumstances, for your Will to be varied up to 2 years after your death. This is done with the agreement of all the people who benefit under your Will. It is usually done to reduce the amount of Inheritance Tax payable.

Someone who might reasonably have expected to inherit more of your estate than they did might also be able to make a claim against your estate. However, this will only be possible in limited circumstances and your intentions when making the Will are one of the factors that the Court would consider on any application. If, for example, you have a good reason for not leaving anything to a particular family member then we can draw up a letter explaining that which can be kept with your Will. This can be used in evidence should that family member apply for reasonable provision to be made for them. We can provide specialist advice on these issues should you require it.

So I want to make a Will - what now?

If you decide you would like us to prepare a Will for you, please telephone us and we will either send you a Will Questionnaire or, if you prefer, you can make an appointment to see a solicitor face to face. If you wish to include tax planning provisions or trusts, or if you have any foreign property it would be advisable to arrange a meeting to discuss your particular circumstances.

If instructed, we will send you full Terms of Engagement, setting out who will be dealing with your Will and explaining our charges.

We aim to send out a draft of your Will quickly following receipt of your instructions. Once you are happy with the draft, we will prepare an engrossment and you will need to come in to our offices to sign it. If you wish, we can store the original in our strongroom (free or charge) and will provide you (and anyone else you wish) with a copy.

We provide a monthly Wills and Probate surgery at a number of federations. The surgeries are normally held at the police federation member services offices. To book an appointment, please contact your federation member services, or Emma Fidler on 0161 930 5197.

As an incentive, we offer a 10% discount on Wills and Lasting Powers of Attorney to federation members and their partners.

Gorvins Leaflets

1. Making a Will
2. When Someone Dies
3. Lasting Powers of Attorney

For advice on making a will or any other matters contact **Gorvins Solicitors** at:

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