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Now more than ever it is important to make your Will, and you are able to write a valid Will during the pandemic.

What should you consider before making a Will?

There are some things in life that should be done as a matter of course, and making a Will is one of them. Imagine not having a Will before you die and then your loved ones having to proceed through the time consuming and often complicated process of probate. When you make a Will with a solicitor they will make sure everything is exactly as you want it to be for your loved ones to deal with when you're gone.

There are a number of decisions you will need to take before making your Will. Your solicitor can discuss options with you so that you make the decisions that are right for your personal circumstances.

1. Who should be my Executors

Executors are responsible for administering your estate. They can also be beneficiaries under your Will. They must be adults (at least 18 years of age), and they can be your spouse, children, other family members, friends or professionals.

It is important that you consult with your choice of Executors to determine whether they would be willing to act, they are not obliged to.

When appointing Executors it is important to choose someone who has the time and skills to fulfil the role and to cope with the responsibility. Although anyone can be appointed as an Executor, certain people

(such as a minor, a bankrupt or a convicted criminal) cannot take out a Grant of Representation.

2. Do you need to appoint Guardians

Guardians take parental responsibility for any of your children who are under 18 years of age at the time of your death. Guardians can also be Executors. Again you should consult with your choice of guardian as they are not obliged to act.

3. Legacies

These can take two forms - cash gifts or gifts of specific items.

Cash gifts can be made to any person or charity. They can be made in whatever sum you feel is appropriate. You can state that the gifts only apply in certain circumstances, for example if and when the beneficiary reaches a certain age or if they act as Executor. You can also state that the legacy is only payable at certain times, for example if you die after your spouse.

Gifts of specific items would include items such as jewellery, houses, specific shares and investments, and other personal items like furniture etc. They can be made subject to the same limitations as cash gifts.

4. Residuary Gift

This is the remainder of your estate if you have made gifts of cash or specific items, or your entire estate if

you have not made any other gifts. This can be given to family, friends or charity.

The Will should make it clear what happens to the rest of your assets both if you die before the named beneficiaries or if they have died before you - who would you want to receive the assets in those circumstances?

You can include age restrictions and other provisions called trusts so that the beneficiaries do not become absolutely entitled to those assets immediately or at all.

5. Funeral wishes

Although not legally binding it is possible to express a wish in your Will about your funeral arrangements. This can be as simple as expressing a wish to be buried or cremated or more complex wishes.

6. Does my Will cover what I want to happen to my foreign assets?

Your Will may not be effective to ensure that property or assets you own outside England or Wales passes to your beneficiaries. If you require specific advice in relation to such property or assets you will need to take specific advice on this from a solicitor.

This information does not constitute legal advice in its own right. Always seek personal advice direct from a Solicitor before you take any action.



Take control and plan for the future

Talk to our specialists about the importance of making a Will and keeping it up to date (e.g. family divorce, grandchildren, getting re-married) making a Lasting Power of Attorney and what to consider when looking at equity release.

For help and advice please call us on

01904 624185

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