
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.

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 have lived together for many years, your cohabitant may be left with nothing if you have not made a will.

We can also advise you on how inheritance tax affects what you own.

You should 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 disabled persons, 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.

Once 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 or inadequate. This means that you must review your will regularly, to reflect any major life changes. We can tell you what changes may be necessary to update your will.

Using a solicitor

Although it is possible to write a will without a solicitor's help, this is generally not advisable as 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.

What we will need to know

We 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 business you own, and pensions.

Who gets what?

Who do you want to leave these assets to? How do you want to divide your property 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 the 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 the court to review your will if they feel you have not provided for them. We can advise you about any legal pitfalls.

Guardians

If you have any children that may still be under 18 when you die, you 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. However, it is also a good idea to record your wishes on the organ-donor register, or carry an organ-donor card.

Signing the will

Once the will has been drawn up it is not effective until it has been signed. There are several different 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. Many people use staff at their solicitor's office to act as their witnesses to avoid this problem.

Where to keep the will

It is important to keep your will in a safe place and tell your executors or a close friend or relative where it is. We can store your will for you free of charge.

Keeping your will up to date

You should review your will as 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 change by getting a new will drawn up and we at RLE law can help you with this.

In all cases we can offer you legal advice as part of a complete professional service.